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No. 43] NEW DELHI, OCTOBER 22—OCTOBER 28, 2017, SATURDAY/ASVINA 30—KARTIKA 6, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2498.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सेन्ट्रल बैंक आफ इंडिया के महाप्रबंधक श्री बजरंग सिंह शेखावत (जन्म तिथि 27.6.1962) को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सेन्ट्रल बैंक ऑफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(1)2017-वीओ-I]

ज्ञानोतोष राय, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 9th October, 2017

S.O. 2498.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Bajrang Singh Shekhawat (DOB: 27.6.1962), General Manager, Central Bank of India as Executive Director in Central Bank of India for a period of three years *w.e.f.* the date of his taking over charge of the post or until further orders, whichever is earlier.

[F. No. 4/5/(1)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2499.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, विजया बैंक के महाप्रबंधक श्री गोविंद एन. डोंगरे (जन्म तिथि 26.3.1960) को पदभार ग्रहण करने की तारीख से दिनांक 31.3.2020 तक अर्थात् उनकी अधिवर्धिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब एंड सिंध बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(2)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2499.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri Govind N. Dongre (DOB: 26.3.1960), General Manager, Vijaya Bank as Executive Director in Punjab & Sind Bank *w.e.f.* the date of his taking over charge of the post upto 31.3.2020 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/(2)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2500.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इलाहाबाद बैंक के महाप्रबंधक श्री अजय कुमार श्रीवास्तव (जन्म तिथि 15.10.1967) को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(3)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2500.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Ajay Kumar Srivastava (DOB: 15.10.1967), General Manager, Allahabad Bank as Executive Director in Indian Overseas Bank for a period of three years *w.e.f.* the date of his taking over charge of the post or until further orders, whichever is earlier.

[F. No. 4/5/(3)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2501.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इलाहाबाद बैंक के महाप्रबंधक श्री मातम वेंकट राव (जन्म तिथि 3.7.1965) को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(4)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2501.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Matam Venkata Rao (DOB: 3.7.1965), General Manager, Allahabad Bank as Executive Director in Canara Bank for a period of three years *w.e.f.* the date of his taking over charge of the post or until further orders, whichever is earlier.

[F. No. 4/5/(4)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2502.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री कुलभूषण जैन (जन्म तिथि 11.12.1960) को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, आन्ध्रा बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(5)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2502.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central

Government hereby appoints Shri Kul Bhushan Jain (DOB: 11.12.1960), General Manager, Bank of India as Executive Director in Andhra Bank for a period of three years *w.e.f.* the date of his taking over charge of the post or until further orders, whichever is earlier.

[F. No. 4/5/(5)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2503.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब नैशनल बैंक के महाप्रबंधक डॉ. राजेश कुमार यदुवंशी (जन्म तिथि 23.6.1961) को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, देना बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(6)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2503.— In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Dr. Rajesh Kumar Yaduvanshi (DOB: 23.6.1961), General Manager, Punjab National Bank as Executive Director in Dena Bank for a period of three years *w.e.f.* the date of his taking over charge of the post or until further orders, whichever is earlier.

[F. No. 4/5/(6)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2504.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री चैतन्य गायत्री चिंतापल्ली (जन्म तिथि 10.8.1960) को पदभार ग्रहण करने की तारीख से दिनांक 31.8.2020 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(7)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2504.— In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Chaitanya Gayatri Chintapalli (DOB: 10.8.1960), General Manager, Bank of India as Executive Director in Bank of India *w.e.f.* the date of his taking over charge of the post up to 31.8.2020 i.e. date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/(7)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्तूबर, 2017

का.आ. 2505.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इंडियन बैंक के महाप्रबंधक श्री कृष्णन एस. (जन्म तिथि 26.5.1962) को दिनांक 1.11.2017 को या उसके बाद पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सिंडिकेट बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(8)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2505.— In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Krishnan S. (DOB: 26.5.1962), General Manager, Indian Bank as Executive Director in Syndicate Bank for a period of three years w.e.f. the date of his taking over charge of the post on or after 1.11.2017 or until further orders, whichever is earlier.

[F. No. 4/5/(8)2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 9 अक्तूबर, 2017

का.आ. 2506.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इलाहाबाद बैंक के महाप्रबंधक श्री लिंगम वेंकट प्रभाकर (जन्म तिथि 12.12.1962) को दिनांक 1.3.2018 को या उसके बाद पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब नैशनल बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा.सं. 4/5/(9)2017-बीओ-I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2506.— In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Lingam Venkata Prabhakar (DOB: 12.12.1962), General Manager, Allahabad Bank as Executive Director in Punjab National Bank for a period of three years w.e.f. the date of his taking over charge of the post on or after 1.3.2018 or until further orders, whichever is earlier.

[F. No. 4/5/(9)2017-BO-I]

JNANATOSH ROY, Under Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2507—राजनयिक और कोंसुलीय अधिकारी शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, टोरोंटो में श्री मेहर सिंह, सहायक अनुभाग अधिकारी को दिनांक 3 अक्टूबर, 2017 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2016]

प्रकाश चन्द, निदेशक (कोंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 3rd October, 2017

S.O. 2507—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Mehar Singh, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, Toronto to perform the Consular services with effect from 3rd October, 2017.

[No. T-4330/01/2016]

PRAKASH CHAND, Director (Consular)

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2508—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, रियाद में श्री संजय कुमार सिंह, सहायक अनुभाग अधिकारी को दिनांक 5 अक्टूबर, 2017 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2016]

प्रकाश चन्द, निदेशक (कोंसुलर)

New Delhi, the 5th October, 2017

S.O. 2508—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Sanjay Kumar Singh, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Riyadh to perform the Consular services with effect from 5th October, 2017.

[No. T-4330/01/2016]

PRAKASH CHAND, Director (Consular)

नई दिल्ली, 13 अक्टूबर, 2017

का.आ. 2509—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, संतीयागो में श्री रविन्द्र सेनी, सहायक अनुभाग अधिकारी को दिनांक 13 अक्टूबर, 2017 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2017]

प्रकाश चन्द, निदेशक (कोंसुलर)

New Delhi, the 13th October, 2017

S.O. 2509.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Ravinder Saini, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Santiago to perform the Consular services with effect from 13th October, 2017.

[No. T-4330/01/2017]

PRAKASH CHAND, Director (Consular)

वस्त्र मंत्रालय

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2510.—केन्द्रीय सरकार (संघ के शासकीय प्रयोजनों के लिए प्रयोग) राजभाषा नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

राष्ट्रीय फैशन टैक्नालॉजी संस्थान, निफ्ट कैम्पस,
आईआईटी जोधपुर के सामने, एनएच 65,
नागौर रोड, कारवाड़, जोधपुर-342037 (राजस्थान)

[सं. ई-11016/1/2015-हिंदी]

पुनीत अग्रवाल, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 9th October, 2017

S.O. 2510.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following offices of the Ministry of Textile, more than 80% staff whereof have acquired working knowledge of Hindi :—

National Institute of Fashion Technology, NIFT Campus,
IIT Jodhpur, N.H. 65, Nagour Road,
Karwar, Jodhpur-342037 (Rajasthan)

[No. E-11016/1/2015- Hindi]

PUNEET AGARWAL, Jt. Secy.

नई दिल्ली, 13 अक्टूबर, 2017

का.आ. 2511.—केन्द्रीय सरकार (संघ के शासकीय प्रयोजनों के लिए प्रयोग) राजभाषा नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

हस्तशिल्प विपणन एवं सेवा विस्तार केंद्र,
विकास आयुक्त (हस्तशिल्प) का कार्यालय,
थोक्सा हाऊस, स्केटसक,
लेह-194101 (जम्मू एवं कश्मीर)

[सं. ई-11016/1/2015-हिंदी]

पुनीत अग्रवाल, संयुक्त सचिव

New Delhi, the 13th October, 2017

S.O. 2511.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following offices of the Ministry of Textile, more than 80% staff whereof have acquired working knowledge of Hindi :

Handicrafts Marketing and Service Extension Centre,
Office of the Development Commissioner (Handicrafts),
Thoksa House, Sketsak,
Leh-194101 (Jammu & Kashmir)

[No. E-11016/1/2015- Hindi]
PUNEET AGARWAL, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(उपभोक्ता मामले विभाग)
(भारतीय मानक व्यूरो)

नई दिल्ली, 17 अक्टूबर, 2017

का.आ. 2512.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्र. सं.	लाइसेंस सं	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/ अनुभाग) : वर्ष
1.	6500027907	20170901	मेसर्स वाटर टेक इंडिया प्रायवेट लिमिटेड यूनिट । 10/60-C, सेंगोडागौन्डन पुदुर, सुलूर रोड, मुतुगौन्डनपुदुर पोस्ट, कोयम्बत्तूर- 641 406.	गर्म तथा ठंड पानी के लिए प्लास्टिक की विव टॉटियाँ, एंगल वाल्व, रोक वाल्व तथा फुहारक	IS 9763 : 2000
2.	6500028008	20170904	मेसर्स आर डी एन एक्ला मिनरल 1/197, पू तोट्टम, नेरिपेरिचल, पूलुवापट्टी पोस्ट, तिरुप्पुर- 641 602	पैकेज बंद पेय जल (पैकेजबंद मिनरल जल के अलावा)	IS 14543 : 2004
3.	6500028109	20170908	मेसर्स पयोनीर प्रोडक्ट्स सं. 4 & 5, ए.के.जी. नगर, वरदाराजापुरम, उप्पिलीपालयम, कोयम्बत्तूर- 641015	निम्मजनीय पम्पसेट	IS 8034 : 2002
4.	6500028210	20170911	मेसर्स एम बी एस पम्प्स प्रायवेट लिमिटेड सं.18, महात्मा गाँधी रोड, नेताजी पुरम, एस आई एच एस कॉलनी, कोयम्बत्तूर- 641037	निम्मजनीय पम्पसेट	IS 8034 : 2002
5.	6590001818	20170911	मेसर्स श्री वसुन्धरा तंगा मालिगै 5, नया मार्केट सड़क, पुराने बस अड्डे के पास, तिरुप्पुर -641604	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 2016
6.	6500028311	20170915	मेसर्स एकारियस पी वी सी पाइप्स सं.7/79(1), अरसमरा तोट्टम, कोन्डयमपालयम, तेन्नमनलूर पोस्ट, तोन्डामुत्तूर के रास्ते, कोयम्बत्तूर- 641109.	विद्युत प्रतिष्ठापन के लिए वाहिका- भाग 3- सख्त एवं सादा विद्युत अवरोधी वाहिका	IS 9537 (Part 3) : 1983

7.	6590002012	20170919	मेसर्स फैन गोल्ड डायमन्ड सिल्वर 13/133, पन्दलुर बजार, नेल्लियालम, पन्दलुर, नीलगिरीस-643233	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 2016
8.	6590001919	20170919	मेसर्स वासवी तंगा मालिगै 228, मैसूर ट्रॅक सडक, सत्यामंगलम, ईरोड - 638402	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 2016
9.	6500028412	20170919	मेसर्स सेल्जर इलक्ट्रोनिक्स लिमिटेड, यूनिट IV एस एफ सं.863, बेट्टापुरम, कारामडै पोस्ट, कोयम्बत्तूर -641104.	पी वी सी संवाहित (हैवी ड्यूटी) विजली के केवल: भाग 1 - 1100 V तक के कार्यकारी वोल्टता के लिए	IS 1554 (Part 1): 1988
10.	6590002113	20170920	मेसर्स विस्पार्क ज्वेलरी मेनुफैक्चर्स प्रायवेट लिमिटेड 11, मेट्रोपालयम सडक, जी. एन. मिल्स पोस्ट, कोयम्बत्तूर -641029	चाँदी एवं चाँदी मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 2112 : 2014
11.	6500028505	20170920	मेसर्स एक्सासब इंजीनियरिंग (यूनिट II) एस एफ 307 & 308, कुरुडमपालयम विल्ला, एन एस एन पालयम पोस्ट, वेतालैकैपालयम, कोयम्बत्तूर-641031	कृषि अनुप्रयोग के अपकेंद्री पर्म्पों के लिए तीन फेज़ीय स्क्रिरल केज प्रेरण मोटरें	IS 7538 : 1996
12.	6590002214	20170925	मेसर्स एम एस ज्वेलर्स पुराना सं. 571, नया सं. 26, अग्राहारम सडक, ईरोड -638001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 2016
13.	6590002315	20170925	मेसर्स शक्ति गोल्ड 30, अग्राहारा सडक, ईरोड -638001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी – शुद्धता एवं मुहरांकन	IS 1417 : 2016

[सं. सीएमडी/13 : 11]

टी. कलैवाणन, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 17th October, 2017

S.O. 2512.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

SCHEULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
1.	6500027907	20170901	M/s. Watertec India Pvt Ltd Unit I 10/60-C, Sengodagunden Pudur, Sulur Road, Muthugoundenpudur (P.O.), Coimbatore – 641 406.	Plastics Bib Taps, Pillar Taps, Angle Valves and Stop Valves for Hot and Cold Water Services	IS 9763 : 2000

2.	6500028008	20170904	M/s. RDN Aqua Mineral 1/197, Poo Thottam, Neriperichal, Pooluvappatti Post, Tirupur – 641 602	Packaged Drinking Water (Other Than Packaged Natural Mineral Water)	IS 14543 : 2004
3.	6500028109	20170908	M/s. Pioneer Products No. 4&5, A.K.G. Nagar, Varadharajapuram, Uppilipalayam, Coimbatore -641015	Submersible Pumpsets	IS 8034 : 2002
4.	6500028210	20170911	M/s. MBS Pumps Private Limited No.18, Mahatma Gandhi Road, Nethajipuram, SIHS Colony, Coimbatore -641037	Submersible Pumpsets	IS 8034 : 2002
5.	6590001818	20170911	M/s. Shree Vasundra Thanga Maaligai 5, New Market Street, Near Old Bus Stand, Tirupur -641604	Gold and Gold Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 1417 : 2016
6.	6500028311	20170915	M/s. Aquarius PVC Pipes No.7/79(1), Arasamara Thottam, Kondayampalayam, Thennammanallur(P.O.), Thondamuthur (Via), Coimbatore-641109.	Conduits for Electrical Installations: Part 3 - Rigid Plain Conduits of Insulating Materials	IS 9537 (Part 3) : 1983
7.	6590002012	20170919	M/s. Fine Gold Diamond Silver 13/133, Pandalur Bazaar, Nelliyalam, Pandalur, Nilgiris-643233	Gold and Gold Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 1417 : 2016
8.	6590001919	20170919	M/s. Vasavi Thanga Maligai 228, Mysore Trunk Road, Sathyamangalam, Erode-638402	Gold and Gold Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 1417 : 2016
9.	6500028412	20170919	M/s. Salzer Electronics Limited,Unit IV SF No.863, Bettathapuram, Karamadai Post, Coimbatore-641104.	PVC insulated (heavy duty) electric cables: Part 1 - For working voltages upto and including 1100 V	IS 1554 (Part 1): 1988
10.	6590002113	20170920	M/s. Vispark Jewellery Manufacturers Pvt. Ltd. 11, Mettupalayam Road, G N Mills Post, Coimbatore -641029	Silver and Silver Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 2112 : 2014
11.	6500028505	20170920	M/s. Aquasub Engineering (Unit II) SF 307 & 308, Kurudampalayam Villa, NSN Palayam Post, Vethalaikaipalayam, Coimbatore -641031	Three Phase Squirrel Cage Induction Motors for Centrifugal Pumps for Agricultural Applications	IS 7538 : 1996
12.	6590002214	20170925	M/s. M.M.S. Jewellers Old No. 571, New No. 26, Agraharam Street, Erode -638001	Gold and Gold Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 1417 : 2016
13.	6590002315	20170925	M/s. Sakthi Gold 30, Agrahara Street, Erode -638001	Gold and Gold Alloys, Jewellery/ Aertefacts- Fineness and Marking	IS 1417 : 2016

[No. CMD/13:11]

T. KALAIVANAN, Scientist 'F' & Head

नई दिल्ली, 17 अक्टूबर, 2017

का.आ. 2513.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:-

अनुसूची

क्र. सं.	लाइसेंस सं सी एम/ एल-	लाइसेंसधारी का नाम व पता	स्थगित किए गए/ रद्द किए गए लाइसेंस के अंतर्गत वस्तु/ प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द होने की तिथि
सितम्बर 2017 - शून्य				

[सं. सीएमडी/13:13]

टी. कलैवाणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th October, 2017

S.O. 2513.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licence No. CM/L-	Name & Address of the Licensee	Article/ Process with relevant Indian Standard covered by the licence cancelled/ suspension	Date of Cancellation
SEPTEMBER 2017 - NIL				

[No. CMD/13:13]

T. KALAIVANAN, Scientist 'F' & Head

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 सितम्बर, 2017

का.आ. 2514.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में गाँव : झुगियां, जिला : शहीद भगत सिंह नगर से हिमाचल प्रदेश के गाँव : पेखुवेला, जिला : उना तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑइल कार्पोरेशन लिमिटेड द्वारा पीएजेपीएल-उना ब्रांच पाइपलाइन विद्धाई जानी चाहिए।

और, केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन विद्धाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाइपलाइन विद्धाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन विद्धाएं जाने के संबंध में आक्षेप, लिखित रूप में श्री. देवराज शर्मा, सक्षम प्राधिकारी, इंडियन ऑफिसल कार्पोरेशन लिमिटेड (पाइपलाइन प्रभाग), पीएजेपीएल- उना ब्रांच पाइपलाइन परियोजना, 346, कमला कुंज, डी. सी. कॉलोनी, उना (हिमाचल प्रदेश) -174 303 को कर सकेगा।

अनुसूची

जिला : उना

राज्य : हिमाचल प्रदेश

क्र. सं.	तहसील का नाम	गाँव का नाम	हृदवस्त नं	मुरब्बा//किला तथा खसरा सं.	क्षेत्रफल		
					हेक्टेयर	ए.यर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	हरोली	वाथडी	476	1523	00	15	30
2	हरोली	केलूवा		3302/2	00	05	35
				2955	00	02	70
				2643/1	00	00	20
				2643/2	00	00	20
				2953/1	00	04	61
				2953/2	00	04	61
3	हरोली	बट कलां	473	679//5/3/2	00	03	08
4	ऊना	नंगड़ा ज़िकला	222	2270/523	00	00	35

[फा. सं. आर-25011/20/2017-ओआर-I]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th September, 2017

S.O. 2514.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Village : Jhungian, District : Shahid Bhagat Singh Nagar of Punjab State to Village: Pekhubela, District : Una of Himachal Pradesh, PAJPL - Una Branch Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri. Devraj Sharma, Competent Authority, Indian Oil Corporation Ltd, PAJPL-Una Branch Pipeline Project, 346, Kamla Kunj, D.C. Colony, Una (Himachal Pradesh) -174 303.

SCHEDULE

District : Una

State : Himachal Pradesh

Sr. No.	Name of Tehsil	Name of Village	Hadbast No.	Murabba// Killa & Khasara No.	Area		
					Hectare	Area	Sq/Mtr
1	2	3	4	5	6	7	8
1	Haroli	Bathari	476	1523	00	15	30
2	Haroli	Keluwa		3302/2	00	05	35
				2955	00	02	70
				2643/1	00	00	20
				2643/2	00	00	20
				2953/1	00	04	61
				2953/2	00	04	61
3	Haroli	Bat Kalan	473	679// 5/3/2	00	03	08
4	Una	Nangran Jhikla	222	2270/523	00	00	35

[F. No. R-25011/20/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2515.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडू राज्य के सेलम को केरल राज्य में भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड की कोच्चि रिफाइनरी से तरलीकृत पेट्रोलियम गैस के परिवहन के लिए, एक पाइपलाईन कोच्चि सेलम पाइपलाईन प्राइवेट लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आश्य की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इकीस दिन के भीतर भूमि के नीचे पाइपलाईन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री बशीरकुंजू ए, सक्षम प्राधिकारी, कोच्चि सेलम पाइपलाईन प्राइवेट लिमिटेड, करुण एंकलेव, द्वितीय तल, डोर न. बी-2, एस एन जंक्शन, रिफाईनरी रोड, यूनियन बैंक ऑफ इंडिया के सामने, त्रिपुनिथुरा, जिला ऐरनाकुलम, केरल — 682309 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

राज्य : केरल

जिला : ऐरनाकुलम

तालुक : आलुवा

नाम ग्राम	सर्वे नम्बर	क्षेत्रफल		
		हेक्टेयर	एरिया	प्रति वर्गमीटर
मूक्कन्नूर (खण्ड सं0 15)	21/5	0	03	00
	252/5	0	03	01
कुकुटि (खण्ड सं0 2)	358/4	0	00	63
	360/8	0	01	43
	366/11	0	02	91
कुकुटि (खण्ड सं0 3)	59/3	0	00	51
तेकुम्बागम (खण्ड सं0 30)	149/3	0	00	23
	151/8	0	03	10
	155/1	0	10	90
	155/4	0	02	40
	155/5	0	09	31
	156/3	0	04	70
	156/4	0	04	21
	156/5	0	05	17
	156/9	0	00	80
	157/2	0	00	38
	157/3	0	00	30
	157/8	0	02	62
	194/1	0	02	14
	194/2	0	01	52
	194/16	0	01	82
	194/17	0	04	65
	195/2	0	06	54
	195/6	0	02	10
	195/8	0	03	27
	195/9	0	07	69
	195/10	0	04	21
	195/13	0	00	46
	205/4	0	01	12
	205/5	0	00	16
	205/12	0	01	96
	205/15	0	01	21
	206/7	0	03	08
	207/2	0	08	84
	215/1	0	01	64
	215/2	0	01	27
	215/3	0	01	06
	215/4	0	00	82

215 / 5	0	00	19
226 / 11	0	00	18
226 / 12	0	00	19
228 / 1	0	00	18
229 / 3	0	00	69
229 / 4	0	00	86
229 / 10	0	00	68
230 / 3	0	01	47

राज्य : केरल

जिला : त्रिशूर

तालुक : चालककुटी

नाम ग्राम	सर्वे नम्बर	क्षेत्रफल		
		हेक्टेयर	एरिया	प्रति वर्गमीटर
किषकमुरी	841 / 4	0	00	35
	841 / 5	0	00	45
	859 / 9	0	04	72
	859 / 10	0	00	35
	859 / 13	0	02	55
	862 / 2	0	00	46
कल्लूर वडाकुमुरी	1192	0	00	48
कल्लूर थेकुमुरी	310 / 1	0	00	07
	312 / 1	0	00	09
	459 / 2	0	00	10
	506 / 6	0	04	02
	506 / 8	0	03	10

राज्य : केरल

जिला : त्रिशूर

तालुक : मुकुंदपुरम

नाम ग्राम	सर्वे नम्बर	क्षेत्रफल		
		हेक्टेयर	एरिया	प्रति वर्गमीटर
नेन्मनिकरा	445	0	02	70
	446	0	02	70
	449	0	04	50
	450	0	14	40
	464	0	07	20

[फा. सं. आर-31015 / 02 / 2015—ओआर-II/37114]

पवन कुमार, अवर सचिव

New Delhi, the 11th October, 2017

S.O. 2515.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Liquefied Petroleum Gas from Kochi Refinery of Bharat Petroleum Corporation Limited in the State of Kerala to Salem in the State of Tamil Nadu and that the pipeline should be laid by M/s Kochi – Salem pipeline Private Ltd;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands under which such pipelines are proposed to be laid described in the schedule annexed to this notification;

Now therefore in the exercise of powers conferred by sub section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (Central Act 50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in land described in the said schedule may, within 21 days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Sri. Basheerkunju. A, Competent Authority, Kochi-Salem Pipeline Private Ltd., Karun Enclave 2nd floor, Door No. B2, S.N. Junction, Refinery Road, Opp: Union Bank of India, Tripunithura, Pin – 682 301.

SCHEDULE

STATE : KERALA		DISTRICT : ERNAKULAM		TALUK : ALUVA	
VILLAGE	SURVEY NUMBERS	AREA (APPROXIMATE)			SQ MTRS
		HECTARES	ARES	HECTARES	
MOOKKANNOOR (BLOCK. NO. 15)	21/5 252/5	0 0	03 03	00 01	00
KARUKUTTY BLOCK. NO.2	358/4 360/8 366/11	0 0 0	00 01 02	63 43 91	
KARUKUTTY BLOCK. NO. 3	59/3	0	00	51	
THEKKUMBHAGAM BLOCK. NO. 30	149/3 151/8 155/1 155/4 155/5 156/3 156/4 156/5 156/9 157/2 157/3 157/8 194/1 194/2	0 0 0 0 0 0 0 0 0 0 0 0 0 0	00 03 10 02 09 04 04 05 00 00 00 02 02 01	23 10 90 40 31 70 21 17 80 38 30 62 14 52	

194/16	0	01	82
194/17	0	04	65
195/2	0	06	54
195/6	0	02	10
195/8	0	03	27
195/9	0	07	69
195/10	0	04	21
195/13	0	00	46
205/4	0	01	12
205/5	0	00	16
205/12	0	01	96
205/15	0	01	21
206/7	0	03	08
207/2	0	08	84
215/1	0	01	64
215/2	0	01	27
215/3	0	01	06
215/4	0	00	82
215/5	0	00	19
226/11	0	00	18
226/12	0	00	19
228/1	0	00	18
229/3	0	00	69
229/4	0	00	86
229/10	0	00	68
230/3	0	01	47

STATE : KERALA

DISTRICT : TRISSUR

TALUK : CHALAKKUDI

VILLAGE	SURVEY NUMBERS	AREA (APPROXIMATE)		
		HECTARES	ARES	SQ MTRS
KIZHAKKUMMURI	841/4	0	00	35
	841/5	0	00	45
	859/9	0	04	72
	859/10	0	00	35
	859/13	0	02	55
	862/2	0	00	46
KALLUR	1192	0	00	48

VADAKKUMMURI

KALLUR	310/1	0	00	07
THEKKUMMURI	312/1	0	00	09
	459/2	0	00	10
	506/6	0	04	02
	506/8	0	03	10

STATE : KERALA

DISTRICT : TRISSUR

TALUK : MUKUNDAPURAM

VILLAGE	SURVEY NUMBERS	AREA (APPROXIMATE)		
		HECTARES	ARES	SQ MTRS
NENMANIKKARA	445	0	02	70
	446	0	02	70
	449	0	04	50
	450	0	14	40
	464	0	07	20

[F. No. R-31015/02/2015-OR-II/37114]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 26 अक्टूबर, 2017

का.आ. 2516.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप (उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इकीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री बिशनु मोहन भाजा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, इंडियन ऑयल हाउसिंग काम्पलेक्स, बालासोर . 756 001, (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बालासोर		जिला : बालासोर		राज्य : उड़ीसा		
क्रम सं.	मौजा का नाम	खसरा सं.	क्षेत्रफल			
			हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
1	बांगरा	803	00	05	05	
2	कोरकोरा	373	00	08	10	

[फा. सं. आर-25011/52/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 26th October, 2017

S.O. 2516.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of Odisha by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Bishnu Mohan Bhanja, Competent Authority, Indian Oil Corporation Limited, Indian Oil Housing Complex, Balasore – 756 001, Odisha.

SCHEDULE

Tahasil :Balasore		District : Balasore		State : Odisha		
Sl. No.	Name of the Mouza	Khasra No.	Area			
			Hectare	Are	Square meter	
1	2	3	4	5	6	
1	Bangara-199	803	00	05	05	
2	Korkora-198	373	00	08	10	

[F. No. R-25011/52/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 26 अक्टूबर, 2017

का.आ. 2517.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप (उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इकीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री बिशनु मोहन भांजा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, इंडियन ऑयल हाउसिंग काम्पलेक्स, बालासोर – 756 001, (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : रेमुणा		जिला : बालासोर		राज्य : उडीसा		
क्रम सं.	मौजा का नाम	खसरा सं.	क्षेत्रफल			
			हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
1	कुरुडा - 196	76	00	02	27	
		77	00	00	65	
		78	00	01	62	
2	छणपुर - 187	1524	00	08	30	
		1525	00	01	95	
		1532	00	05	83	
3	मेघडम्बरु-172	51	00	05	34	

[फा. सं. आर-25011/52/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 26th October, 2017

S.O. 2517.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of Odisha by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Bishnu Mohan Bhanja, Competent Authority, Indian Oil Corporation Limited, Indian Oil Housing Complex, Balasore – 756 001, Odisha.

SCHEDE

Tahsil :Remuna		District : Balasore		State : Odisha		
Sl. No.	Name of the Mouza	Khasra No.	Area			
			Hectare	Are	Square meter	
1	2	3	4	5	6	
1	Korada-196	76	00	02	27	
		77	00	00	65	
		78	00	01	62	
2	Chhanapur-187	1524	00	08	30	
		1525	00	01	95	
		1532	00	05	83	
3	Meghadambaru-172	51	00	05	34	

[F. No. R-25011/52/2017-OR-I]

PAWAN KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2518.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टीम लीडर, मैसर्स गायत्री प्रोजेक्ट, झांसी एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 05/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-42012/88/2009-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd October, 2017

S.O. 2518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 05/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Team Leader, M/s. Gayatri Projects, Jhansi and their workman, which were received by the Central Government on 10.10.2017.

[No. L-42012/88/2009-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

**BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT, KANPUR**

Industrial Dispute No. 5 of 2010**Between-**

Shri Deepak Omhare,
RO: H.No. 948/32-A, Nagar Nigam,
Jhansi.

Vs.

The Team Leader,
M/s Gayatri Projects, DH 1/13, Virangana
Nagar, JDA Colony,
Jhansi.

AWARD

- Central Government, MoI, vide notification no.L-42012/88/2009-IR (DU) dated 08-01-2010, has referred the following dispute for adjudication to this tribunal.
- Whether the action of the management of M/s. Gayatri Projects Limited, Jhansi in terminating the service of Shri Deepak Omhare S/o Shri Ram Prasad w.e.f 14/02/2009 is legal & justified? If not, what relief the workman is entitled to?
- In the instant case a reference was referred to Central Government Industrial-Tribunal-cum Labour Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
- Worker Deepak Omhare has filed his claim statement contending that he was appointed as assistant office executive with effect from 07-09-2007 with opposite parties on permanent basis and his services were illegally terminated by management with effect from 14-02-2009.
- Management has filed w/s denying the facts alleged by worker in his claim statement and thereafter worker has filed rejoinder.

6. None of parties has given any oral and documentary evidence and evidence of worker were closed. Worker has moved application for recalling the order by which his evidence was closed but none appeared on behalf of worker to press this application and therefore the application of worker was rejected.

7. None of parties appeared to submit their arguments.

8. I have perused the records of this case. It is duty of worker to prove his case regarding his appointment and termination by oral and documentary evidence but worker has not given any oral and documentary evidence. As such it is case of no evidence and worker has failed to prove this case and therefore this tribunal is bound to pass award against worker.

9. The award is passed against the worker and in favour of management and worker is not entitled for any relief.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महासचिव, आईएनटीयूसी, कानपुर एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम व्यायालय, कानपुर के पंचाट (संदर्भ संख्या 11/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-14011/9/2010-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2519.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 11/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the General Secretary, INTUC, Kanpur and their workman, which was received by the Central Government on 10.10.2017.

[No. L-14011/9/2010-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT, KANPUR

Industrial Dispute No. 11 of 2011

Between-

The General Manager,
Small Arms Factory,
Kalpi road,
Kanpur (U.P.)

Vs.

The General Secretary, INTUC,
FT/191, Armapur Estate,
Kanpur (U.P.)

AWARD

1. Central Government, Mol, vide notification no.L-14011/9/2010-IR (DU) dated 22-03-2011, has referred the following dispute for adjudication to this tribunal.

2. “Whether the action of the management of General Manager, Small Arms Factory, Kanpur in fixation of pay in respect of Shri Anand Prakash Garg, T No. 2/B(001716) & Shri Yogendra Kumar Trivedi, T No. 81/RCS(001715) less than the junior employees is just and proper? What relief the workmen concerned are entitled to?”

3. In the instant case a reference was referred to Central Government Industrial-Tribunal-cum Labour Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.

4. General Secretary INTUC has filed claim statement stating that Shri Anand Prakash Garg and Shri U.N Trivedi are workman and working with opposite party small arm factory. This industrial dispute arose regarding wrong fixation of pay as junior was getting higher pay than the workman.

5. Management has filed written statement denying the facts alleged in claim statements. Thereafter Union has filed rejoinder.

6. Both the parties has filed photocopy of documents.

7. Neither worker nor management has adduced any evidence in this case.

8. None of the parties has appeared to submit arguments. I have perused the record.

9. It appears on perusal of record that both parties have filed documents which are photocopies and none of the party has adduced any oral evidence to prove the facts and documents filed by them.

10. It is duty of union to prove that workers are getting less pay than their juniors as pleaded in claim statement but union failed to prove its case as union did not adduce any oral evidence nor has proved any documents filed by union. Therefore this tribunal is bound to decide the dispute against union for want of proof.

11. Therefore for the reason given above this dispute is decided against union and in favour of management as such worker is not entitled to any relief as claimed by union.

12. The award is passed accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2520.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, भारतीय प्रौद्योगिकी संस्थान, कानपुर और अन्य एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 66/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-42012/19/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 66/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Director, Indian Institute of Technology, Kanpur and others and their workman, which was received by the Central Government on 10.10.2017.

[No. L-42012/19/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT, KANPUR

Industrial Dispute No. 66 of 2014

Between-

Shri Mahavir Shukla,
106/37 Heeraganj,
Kanpur (U.P.)

Vs.

The Director,
Indian Institute of Technology,

Kalyanpur,
Kanpur (U.P.)

AND

M/s Asha Caterers,
No. 14 & 15, Building No. 204,
Narshinhan Street,
Mumbai -400009

AND

M/s Kanka Food Management Service Pvt. Ltd.
105, Jai Shankar, CHS, Bhakti Mandir Marg,
Near Hari Niwas Circle, Naupada,
Thane(W)
Thane -400602

AWARD

- Central Government, MoI, vide notification no.L-42012/19/2014-IR (DU) dated 28-05-2014, has referred the following dispute for adjudication to this tribunal.
- “Whether the action of the management of M/s Asha Caterers, Mumbai a contractor engaged in running of the mess in IIT Kanpur in terminating the services of Shri Mahavir Prasad Shukla without complying the mandatory provisions of ID Act, 1947 sec 25(G)(F) is just and proper and if not what relief the concerned workman is entitled to?”
- In the instant case a reference was referred to Central Government Industrial Tribunal cum Labour Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
- Worker Mahavir Shukla has filed his claim statement with the allegation that his service is wrongly and illegally terminated against which management has filed written statement wherein it is alleged that reference is void and bad in law because it is not an industrial dispute and denied the facts alleged in claim statement.
- None of the parties has filed any oral and documentary evidence authorized representative of workman has moved an application 13/1 alleging that workmen concerned is not interested in contesting the case and will not file any rejoinder or lead any evidence.
- I have heard parties representative and perused the record.
- It appears that workman is not interested in contesting this case and has not filed any oral and documentary evidence. Even he has not filed his evidence. Therefore facts alleged in claim statement are hence not proved for want of evidence and therefore this tribunal is bound to pass award against workman and in favour of management.
- The award is passed accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उप-संयुक्त महाप्रबंधक, एचएमटी मशीन टूल्स लिमिटेड, बैंगलोर और उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 02/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-42012/110/2012-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2521.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 02/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the

Joint General Manager, HMT Machine Tools Ltd., Bangalore and their workman, which was received by the Central Government on 03.10.2017.

[No. L-42012/110/2012-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 15th September, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

COMMON AWARD

(i) I.D. No. 02/2012

I Party/Applicant

Sh. P Shankara,
S/o Late Puttappa,
No. 65, I Floor,
Sadar Patrappa Road,
Bangalore – 560002

II Party/Respondent

The Joint General Manager,
HMT Machine Tools Limited,
Bangalore Complex,
HMT Post,
Bangalore – 560013

Advocates for I Party: Mr. Vishwanatha Bhat

& Ms. P. Jayalakshmi

(ii) C.R. No. 52/2012

I Party/Applicant

Sh. P Shankara,
S/o Late Puttappa,
No. 65, I Floor,
Sadar Patrappa Road,
Bangalore – 560002

II Party/Respondent

The Joint General Manager,
HMT Machine Tools Limited,
Bangalore Complex,
HMT Post,
Bangalore – 560013

Advocates for I Party: Ms. P. Jayalakshmi

The Central Government vide Order No.L-42012/110/2012-IR(DU) dated 06.12.2012 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the action of the management of HMT, Bangalore Complex, Bangalore – 13, represented by Joint General Manager, is justified in imposing the punishment of ‘Dismissal from service’ w.e.f 24.08.2011 upon Shri. P. Shankar? If not, to what relief the said workman is entitled?”

1. Brief details mentioned in the Claim Statement are as follows:-

The I Party states that, he has been working in the II Party management for the last 27 years honestly, diligently and sincerely to the best satisfaction of the official superiors maintaining his record of service without any blemish. Further, it is submitted that, the II Party/Management is a Central Government Public Sector undertaking and earlier it is known as HMT I & II. The I Party states that, there has been no bargaining representatives of the workmen. Further, the I Party has not agreed to withdraw the grievance petition and the management has taken hostile attitude towards him. Under the circumstances the I Party workman has given representation to various labour authorities and the labour authorities have asked the II Party to submit the reply to the said representation. The II Party management has not liked the acts of the I Party workman since it has gone against the interest of the management. On the basis of the representations made by the I Party the Asst. Labour Commissioner has posted the matter for enquiry by letter dated 14.10.2008, 05.02.2009, 30.08.2010 and 15.11.2011. Further, it is submitted that, the II Party has kept I Party under suspension by order dated 19.12.2008, in which, no reasons whatsoever has been assigned. Thereafter the said order of suspension has been served to the I Party on 26.12.2008. Thereafter, the II Party has issued ante dated charge sheet dated 23.12.2008 making baseless charges. Further, the enquiry conducted by the enquiry officer is illegal, arbitrary,

capricious, perverse and it is opposed to principles of natural justice. The said acts of the II Party amount to imposing punishment without holding enquiry and the said acts of the II Party amount to unfair labour practices. After the receipt of the enquiry report the II Party has passed an order bearing No. HRM/10738 dated 24.08.2011, dismissing the I Party from the services. The action of the II Party amounts to victimization, for his trade unions activities. Due to the arbitrary and illegal action of the II Party in passing order of dismissal, the I Party and his family members are undergoing hardship, and they are starving. Further, the I Party states that, he may be permitted to urge additional facts and grounds by way of amendment at later stage. After the dismissal of the I Party he is not gainfully employed, elsewhere. Therefore, the I Party workman prays this Court to pass an award holding that, the order of dismissal bearing No. HRM/10738 dated 24.08.2011, passed by the II Party as unjust and illegal and consequently set aside the same and direct the II Party to reinstate the I Party workman in his original post with continuity of services with back wages from the date of illegal dismissal till the date of reinstatement with all consequential benefits and pass such other order as this Court deems fit to grant in the circumstances of the case with cost to meet the ends of justice. In the memo dated 15.01.2013, the I Party prays this Court to put up the records in CR No. 52/2012 along with ID No. 02/2012 and dispose of the same by common award in the interest of justice. Accordingly, the present common award is passed.

2. Brief details mentioned in the Counter statement are as follows:-

The II Party states that, the I Party has been involved in a serious offence of using abusive language against the superiors and also abused the management and also pronounced vulgar language against the security personnel. Further, the II Party states that, it is not a simple termination, it is because of the I Party attitude and because of his using foul language, the II Party has invoked the provisions of the Standing Orders and ultimately he has been dismissed from service. In such an event neither the I Party workman is entitled for back wages nor reinstatement as claimed in the claim statement. Further, it is submitted that, the I Party workman has joined the service of the company with effect from 25.10.1984, he has been last promoted as Supervisor with effect from 01.07.2005 and he has been issued with 5 charge sheets. Further, after considering gravity of the charges and after considering his past records, it has been decided to terminate his service with one month salary in lieu of notice in accordance with Clause 15(3) of the Certified Standing Orders of the company and accordingly orders passed on 24.08.2011. Further, the II Party states that, the I Party workman has been suspended from duty on 19.12.2008 for the misconduct committed on 18.12.2008 hence, the I Party has not been allowed to attend the duty. Further, the II Party states that, the Disciplinary Authority has imposed the punishment of termination of the I Party workman from the service of the company and the termination order which has been passed by the management is in accordance with the principles of natural justice, and the termination order passed by the II Party management is valid and the same is in order. Therefore, the II Party prays this Court to uphold the dismissal order which has been passed by the II Party/Management in the interest of justice and equity.

3. The Pertinent Point/issue involved in the present matter is as follows:-

“Whether I Party is entitled to get relief as prayed for in the claim statement, for the reasons mentioned therein?”

4. Point:- Already, this Court on 20.03.2015, after considering the I Party’s documents and evidence, and also, II Party’s material evidence and after hearing both parties has passed an Order that Domestic Enquiry conducted by II Party as against the I Party is not fair and proper.

5. The I Party in his claim statement as well as in his evidence has stated that, he is not gainfully employed and he has no other source of income to prosecute the case effectively, before this Court. Further, I Party has filed interim relief, application and for that, also counter has been filed by the II Party by stating that, I Party has got enough means to lead his livelihood. Further, the I Party states that, he has got wife, son and ailing and aged mother who are wholly dependent on the applicant for their livelihood and I Party could not get alternative employment also and he has no source of income and as on date the I Party is unemployed and I Party and his family members are under the verge of starvation and destitution. Further, the I Party also states that, he has tried for private company job but he is unable to get employment. Further, Ex W-1 is the letter from I Party to Commissioner of Labour dated 07.03.2008, regarding holding of the election to the office bearer as their term has already expired on 30.10.2006. Ex W-5 and Ex W-6 are the payslips of I Party and Ex W-18 is the termination order issued to I Party dated 24.08.2011.

6. Further, this Court has passed the detailed order on 30.05.2017, itself, regarding the interim relief, which is as follows:- “That, the respondent herein is directed to pay a sum of Rs. 15,000/- per mensem to Sh. P. Shankara Applicant herein, for maintaining himself and also, the family of the workman from 03.01.2014, to the date of passing of the further orders, in order to keep their body and soul together, and also, for the family expenses and also, to live honourably, on the basis of social, economic and natural justice and also, to conduct the case, effectively.

(ii) That, the respondent hereby directed to make payment of Rs. 15,000/- per mensem along with the entire arrears amount from 03.01.2014 on or before 06.07.2017 and also to file compliance memo to this court, after giving advance copy to the other side on or before 07.07.2017, without fail, and thereafter also, for the succeeding every month the compliance memo has to be filed by the respondent after making the said amount every month to the said applicant Sh. P. Shankara, on or before 05th of the succeeding month, after giving advance copy to the other side.

(iii) That, by way of abandone caution the said Sh. P. Shankara is directed to inform his savings bank account details with the concerned Bank particulars to the respondent by speed post with acknowledgement due and, also to file compliance memo to this Court with speed post receipt, copy of the covering letter and also the acknowledgement or track record, obtained from the website of Government of India, Department of Post, on or before 16.06.2017."

7. Since, the II Party has not complied with the Interim Relief Order passed by this Court till date, the counsel for I Party has relied upon the judgment reported in (1999(81) FLR 789) (Calcutta High Court) (Mr. Justice Samaresh Banerjee.J) in Civil Order No. 6632(W) of 1996, dated 25.06.1998, between Debabratasen and State of West Bengal, wherein, it is clearly held as follows:- "Section 11 empowers the Tribunal to regulate its own procedure. In exercise of such power, therefore, the Tribunal can certainly evolve a procedure for enforcement of an order directing payment of interim relief to the workman, the same being in the nature of an interlocutory order but for which the very object and purpose of such welfare legislation will be frustrated. Under such circumstances when an employer violates the order of the Tribunal directing payment of interim relief by not paying of such amount, even if such order of the Tribunal has not been set aside or stayed by the higher Court, it will certainly be open to the Industrial Tribunal to enforce compliance of such order of the Tribunal by making payment of interim relief as condition precedent for the employer to participate in the adjudication proceedings before the Tribunal and to defend itself." Though, sufficient and adequate time has been granted for II Party to make payment of the said interim relief amount to the I Party, the II Party has not complied with the said interim relief order or obtained any stay order from the Hon'ble Higher Courts. As per the said citation, this Tribunal can certainly adopt a procedure for enforcement of the order directing interim relief to workman, and the same being in the nature of an interlocutory order, but for which, the very object and purpose of the said welfare legislation will be frustrated.

8. In fact, the II Party has not complied with the said interim relief till date without any valid reasons. Hence, this Tribunal can enforce the compliance of said order of interim relief as condition precedent for the II Party to participate in the adjudication proceedings before the Tribunal and to defend itself. Further, the I Party specifically stated in the claim statement and also in the affidavit that, the Domestic Enquiry held by the II Party has been held to be not fair and proper by this Court and even the interim relief order passed by this Court by order dated 30.05.2017 has not been complied by the II Party. Further, the I Party has specifically stated in the affidavit that, he has suffered financial hardship and mental agony during the period of unemployment and all these years, since the order of removal, he has no other source of income to survive. Hence, the I Party has prayed to grant reinstatement, full back wages, continuity of service and other consequential benefits.

9. On careful perusal of materials brought on records, it is found that, II Party has no right to defend the case and also, I Party has established that, he is entitled to get relief as prayed for in the claim statement. The II Party has not disproved the claim made by the I Party in accordance with law. Further, in Basti Sugar Mills Co. Ltd. Vs State of U.P., (1979) 2 SCC 88, by V. Kishna Iyer. J: "Industrial Jurisprudence does not brook nice nuances and torturous technicalities to stand in the way of just solutions reached in a rough and ready manner. Grim and grimy life-situations have no time for the finer manners of elegant jurisprudence." Thus, the process of industrial adjudication is an onerous task being guided by the constitutional mandates and aiming at settlement of the industrial dispute on a fair and just basis, tested on the touchstone of social and economic justice. When an industrial dispute is raised, it is a commotion to be pacified by dispensing justice. In such adjudication, not just the right to equality and other Constitutional guarantees, but the aims and ideals of the Constitution enter into the consideration. It is the duty of the Courts to apply directive principles in interpreting the Constitution and the laws. Also, it is reported in Lloyds Bank Ltd Vs. Bundy, (1974) 3 All ER 757 that Lord Denning first clearly enunciated his theory of "inequality of bargaining power". His Lordship began his discussion on this part of the case by stating (at page 763): "There are cases in our books in which the courts will set aside a contract, or a transfer of property, when the parties have not met on equal terms, when the one is so strong in bargaining power and the other so weak that, as a matter of common fairness, it is not right that the strong should be allowed to push the weak to the wall." In the present case also, it is seen that, the II Party has not established the alleged misconduct committed by the I Party, as per the Principles of Preponderance of Probability and also, as per the Principles of Natural Justice, for the above mentioned various reasons.

10. Further, it is observed by the Hon'ble High Court of Karnataka, in W.P. No. 9974/2006 (L-TER), dated 07.01.2015, (Before Mr. Hon'ble Chief Justice D.H. Waghela and Mr. Hon'ble Justice Budihal. R. B), in the case of The Management of National Aerospace Laboratories Vs Engineering & General Workers Union and the Managing Directors, as follows:- "The jurisdiction of an Industrial Tribunal, therefore, is expansive and creative and not

restricted to only enforcing or interpreting the contract of service or the extant legal provisions and it is not-fettered by the limitations of contracts and can even involve extension of existing agreement of the making of a new one, or in general, creation of new obligations or modification of old ones.” In the present case also, for the above mentioned facts and circumstances it is found that, I Party is entitled to get relief as prayed for in the claim statement for the reasons mentioned therein. Accordingly, this point is answered in favour of the I Party. Hence, the following Award is passed:-

AWARD

The II party/management is not justified in imposing the punishment of Dismissal from service on I party/Sh. P. Shankara w.e.f. 24.08.2011, and the said II party is directed to reinstate the I Party, with full back wages, continuity of service and all other consequential benefits that he would have received in the absence of the impugned penalty of removal from service, and both the matters are ordered accordingly, without costs, for the above mentioned facts and circumstances of the matters.

(Dictated, transcribed, corrected and signed by me on 15th September, 2017)

V. S. RAVI, Presiding Officer

In ID No. 02/2012 Shankara Vs H M T

List of Witness on the side of I Party: (Merits)

WW 1	Sh. P. Shankara, I Party/workman
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Exhibit marked on behalf of I Party: (Victimization)

Exhibits	Date	Description of Document
Ex W-1	07.03.2008	Letter from I Party to Commissioner of Labour
Ex W-2	25.08.2008	Order issued by II Party to I Party
Ex W-3	25.09.2008	Letter from I Party to Asst. Commissioner
Ex W-4	29.08.2006	Allotment of New Ticket Number
Ex W-5	-	Pay Slip of I Party
Ex W-6	11.02.2010	Pay Slip of I Party
Ex W-7	12.11.2008	RTI Application
Ex W-8	14.10.2008	Letter from Asst. Labour Commissioner to II Party
Ex W-9	05.02.2009	Letter from Asst. Labour Commissioner to I Party
Ex W-10	17.08.2010	Letter from I Party to Asst. Commissioner
Ex W-11	22.12.2008	Letter from I Party to Asst. Commissioner
Ex W-12	27.12.2008	Letter from I Party to Joint General Manager/II Party
Ex W-13	15.01.2009	Letter from I Party to Chairman & Managing Director/II Party
Ex W-14	16.01.2009	Fax receipt
Ex W-15	18.10.2008	Office Order
Ex W-16	18.10.2008	Office Order
Ex W-17	04.03.2008	Office Order No. 49/2007
Ex W-18	24.08.2011	Order of Termination issued to I Party

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2522.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, हिंदुस्तान एयरोनॉटिक्स लिमिटेड, बैंगलोर एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 02/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2522.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 02/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the General Manager, Hindustan Aeronautics Limited, Bangalore and their workman, which was received by the Central Government on 03.10.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT,
BANGALOREDATED : 19th September, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

I.D. No. 02/2017

I Party

Sh. Vasu K.V.,
No. 120, Venkatadri Nilaya,
Near Vidya School, 2nd Cross,
Sharavath Road, C M Extension,
Kyathasandra,
Tumkur - 572104

II Party

The General Manager,
Hindustan Aeronautics Limited,
Over Haul Division,
Bangalore

1. The I Party submitted in the claim statement as follows:-

The I Party prays this Court, that, regarding case in the crime No. 26/2012, he is processing in session Courts under Crl.R.P. and other criminal case No. 109/2016, he is processing in Magistrate Court by step by step and also prays to initiate cancellation proceedings and conciliation proceedings and advice the management of HAL to reinstate into services with all consequential benefits to the I Party in the ends of justice.

2. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- “As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the ‘appropriate Government’ in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits.”

3. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- “Whether this Court lacks jurisdiction to try the present Matter?”

4. **POINT :-** In the present case, the I Party has prayed to initiate cancellation proceedings and conciliation proceedings and advise the management of HAL to reinstate into services with all consequential benefits to the I Party in the ends of justice. Hence, it is crystal clear that as per the above mentioned judgment of the Hon'ble Supreme Court of India, this Court lacks jurisdiction to try the present matter.

5. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not disputed the said details, by raising any tenable grounds and reasons. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 19th September, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, हिंदुस्तान एयरोनॉटिक्स लिमिटेड, बैंगलोर और अन्य एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 11/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-14011/02/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2523.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 11/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the Deputy General Manager, Hindustan Aeronautics Limited, Bangalore & others and their workman, which was received by the Central Government on 03.10.2017.

[No. L-14011/02/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT, BANGALORE

DATED : 21st September, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

C.R. No. 11/2014

I Party

The General Secretary,
Hindustan Aeronautics,
Employees Association,
Vimanapura Post,
Bangalore – 560017

II Party

1. The Deputy General Manager,
Hindustan Aeronautics Limited,
Engine Division, Bangalore Complex,
PB No. 9310,
Bangalore – 560093

2. The Union of India,
Represented by Ministry of Defence,
South Block, New Delhi.

Advocates for I Party: Mr. Vishwanath Bhat,
Mr. B.D. Kuttappa & Mr. Harish Kumar

Advocate for II Party Sl. No. 1,
Mr. S.V. Shastri

AWARD

1. The Central Government vide Order No.L-14011/02/2014-IR(DU) dated 27.01.2015 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDELE

“Whether the action of the management of HAL Bangalore is justified in not implementing the second order of the appellate authority vide order No. E/HR/App/617/10955/2010, dated 31.08.2010 by which the management of HAL has modified the punishment of stoppage of 5 increments with cumulative effect to stoppage of 2 annual increments without cumulative effects? If not, to what relief the said 4 workmen are entitled to?”

2. The I Party submitted in the claim statement as follows:-

The I Party workmen prays this Court to answer the points of reference in favour of the I Party and direct the II Party management to implement the reviewing order of the Appellate Authority retrospectively and grant the I Party workmen all the consequential monetary benefits flowing there from and pass such other order or orders as deem fit by this Court including the costs of these proceedings, to meet the ends of justice.

3. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- “As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the ‘appropriate Government’ in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits.”

4. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- “Whether this Court lacks jurisdiction to try the present Matter?”

5. **POINT :-** In the present case, the I Party has prayed to answer the points of reference in favour of the I Party and direct the II Party management to implement the reviewing order of the Appellate Authority retrospectively and grant the I Party workmen all the consequential monetary benefits flowing therefrom and pass such other order or orders as deem fit by this Court including the costs of these proceedings, to meet the ends of justice. Hence, it is crystal clear that as per the above mentioned judgment of the Hon'ble Supreme Court of India, this Court lacks jurisdiction to try the present matter.

6. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not disputed the said details, in an appropriate, suitable and proper manner. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 21st September, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2524.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सहायक महाप्रबंधक, हिंदुस्तान एयरोनॉटिक्स लिमिटेड, बैंगलोर और उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 28/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-14012/16/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 28/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in Annexure, in the industrial dispute between the employers in relation to the Assistant General Manager, Hindustan Aeronautics Limited, Bangalore and their workman, which was received by the Central Government on 17.10.2017.

[No. L-14012/16/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT, BANGALORE

DATED : 06th October, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

C.R. No. 28/2014

I Party

Sh. S. Ganpathi,
S/o late Subbaiah, GBJ,
141, 6th Cross,
Marathahalli,
Bangalore – 560037

Advocates for I Party:
Mr. S.B. Mukkannappa & Associates

II Party

The Assistant General Manager,
Hindustan Aeronautics Limited,
Bangalore Complex, Aircraft
Division, P B No. 1788,
Bangalore – 560017

Advocates for II Party:
Mr. T. Rajaram & Associates

AWARD

1. The Central Government vide Order No.L-14012/16/2014-IR(DU) dated 18.07.2014 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDE

**“Whether the order of dismissal of Sh. S. Ganapathi on the charges of Misappropriation of Rs. 3.45 Lakhs by the Management of Hindustan Aeronautics Ltd, Aircraft Division Management is justified?
If not, to what relief the workman is entitled?”**

2. The I Party has submitted in the claim statement as follows:-

The I Party prays this Court, to

- set aside the order of dismissal bearing No. A/AGEM(F)/200/3364/2009; Dated 29.09.2008 passed by the II Party and consequently reinstate him into service with continuity of service and all other consequential benefits including full back wages from the date of dismissal till the date of reinstatement under the facts and circumstances of the case.
- To issue any appropriate writ, order or orders as this Hon'ble Court that deems fit to accord under the facts and circumstances of this case.

3. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- "As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the 'appropriate Government' in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits."

4. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- "Whether this Court lacks jurisdiction to try the present Matter?"

5. **POINT :-** In the present case, the I Party has prayed to set aside the order of dismissal and to issue a direction to the II Party to reinstate the I Party back into his post, with continuity of service, all other consequential benefits and full back wages from the date of dismissal till his actual reinstatement and to pass any other appropriate orders, or directions as this Court may deem fit to pass under the facts and circumstances of this case.

6. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not disputed the said details, in an appropriate, suitable and proper manner. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 06th October, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2525.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उप महाप्रबंधक (एचआर), हिंदुस्तान एयरोनॉटिक्स लिमिटेड, बैंगलोर एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 28/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 28/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in Annexure, in the industrial dispute between the employers in relation to the Deputy General Manager (HR), Hindustan Aeronautics Limited, Bangalore and their workman, which was received by the Central Government on 03.10.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT,
BANGALOREDATED : 21st September, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

I.D. No. 28/2015

I Party

Sh. G. Balagangadhar,
S/o B.T. Gangadharan,
No. 126/A, 4th Block,
4th Main Road, Rajajinagar,
Bangalore – 560010

Advocates for I Party:
Mr. K. Srinivasa & Mr. Channakeshavaswamy

II Party

The Deputy General Manager (HR),
And Disciplinary Authority,
Aircraft Division,
Hindustan Aeronautics Limited,
Vimanapura Post,
Bangalore – 560017

Advocate for II Party:
Mr. T. Rajaram & Ms. G.R. Sujatha

1. The I Party submitted in the claim statement as follows:-

The I Party prays this Tribunal, to set aside the order of dismissal and to call for the records from the II Party pertaining to his dismissal passed by the II Party, and to issue a direction to the II Party to reinstate the I Party back into his post, with continuity of service, all other consequential benefits and full back wages from the date of dismissal till his actual reinstatement and to pass any other appropriate orders, or directions as this Court may deem fit to pass under the facts and circumstances of this case.

2. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- “As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the ‘appropriate Government’ in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits.”

3. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- “Whether this Court lacks jurisdiction to try the present Matter?”

4. **POINT :-** In the present case, the I Party has prayed to set aside the order of dismissal and to call for the records from the II Party pertaining to his dismissal passed by the II Party, and to issue a direction to the II Party to reinstate the I Party back into his post, with continuity of service, all other consequential benefits and full back wages from the date of dismissal till his actual reinstatement and to pass any other appropriate orders, or directions as this Court may deem fit to pass under the facts and circumstances of this case.

5. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not disputed the said details, in an appropriate, suitable and proper manner. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of

receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 21st September, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, दूरसंचार, बीएसएनएल, जयपुर और उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 23/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-40012/62/1992-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 23/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in Annexure, in the industrial dispute between the employers in relation to the General Manager, Telecom, BSNL, Jaipur and their workman, which was received by the Central Government on 12.10.2017.

[No. L-40012/62/1992-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

BHARAT PANDEY, Presiding Officer

I.D. 23/2006

Reference No. L-40012/62/1992-IR (DU) Dated: 29.12.2005

Shri Ramesh Chander
S/o Shri Hariji Through Shri N.K.Tiwari,
Regional Secretary, Hind Mazdoor Sabha,
Bangali Colony, Chawani,
Kota – 324001.

V/s

General Manager
Telecom, BSNL
Jaipur- 302007.

Present :

For the Applicant : Sh. Kapil Sharma, Advocate.
For the Non-applicant : Ex-party

AWARD

Dated: 11.8.2017

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

“Whether the action of the management of General Manager, Telecom, BSNL, Jaipur in terminating the services of Shri Ramesh Chander is legal and Justified? If not, to what relief the workman is entitled and from which date?”

2. The fact of the case in brief according to the statement of the claim is that the workman Sh. Ramesh Chandra was appointed on 1.6.1983 on daily wage on the post of Helper by General Manager, Tar Telecom, Jaipur. It has been further alleged in para 2 of statement of claim that applicant fell sick on 17.4.84 due to mental sickness & his treatment continued till 22.4.88. On 23.4.88 applicant appeared before subordinate Deputy Divisional Officer, Tar, Kota with medical certificate & fitness certificate. The medical certificate was taken by Deputy Divisional Officer, Kota & applicant was taken on duty. Thereafter, after laps of sufficient time a letter dated 8.8.88 was sent to applicant by subordinate Kota office of the employer wherein it was written that medical certificate is not accepted due to delayed presentation. It is contention of the applicant that he had presented the medical certificate in time. Further he has alleged that thereafter he kept on going to the employer time to time but Subordinate of the employer Deputy Divisional Officer, Tar, Kota kept dragging the matter of the applicant.

3. It has been alleged in para 2 & 3 of the statement of claim that applicant has worked continuously with the employer from 1.6.83 to 19.7.88 & has worked for more than 240 days but before removal from the service he was not given notice or one month's pay in lieu of notice or retrenchment compensation according to provision of section 25-F of I.D.Act, 1947. Applicant failed to prepare seniority list. Before retrenchment of the applicant many other junior to the applicant workman were working in the employment of the employer, thus, the employer has committed breach the principle of "last come first go" which is in violation of section 25-G of I.D.Act, 1947. Applicant has further committed breach of section 25-H of the I.D.Act, 1947 because after removal of the applicant from service new workmen were taken in employment without providing opportunity to the applicant. The conduct of the employer is covered under the definition of unfair labour practice. It has been prayed that applicant be reinstated in service with continuity & full back wages.

4. The statement of claim has been filed on 24.3.2006. It is evident from the perusal of record that the claim of the applicant was dismissed by the then learned presiding officer vide award dated 23.5.2006 on the basis of applicant's failure to produce evidence. Later the case was restored vide order dated 13.12.2011.

5. Non-applicant was provided opportunity for filing reply to statement of claim from 23.1.2012 to 26.6.2014 but reply to statement of claim was not filed. On 26.6.2014 none appeared on behalf of opposite party & reply to statement of claim was also not filed hence, case proceeded ex-party against the opposite party & case was fixed for ex-parte evidence on 12.8.2014. After passing order of proceeding ex-parte learned representative of non-applicant appeared & filed application for setting aside order of ex-parte proceeding. Copy of this application was given to learned representative of applicant on 21.10.2014 for filing objection. This application was rejected on 6.5.2015 application of non-applicant for recall of ex-parte order was rejected in absence of non-applicant because there was none on behalf of non-applicant to press the application & case was again fixed for ex-parte hearing on 6.8.2015. On 6.8.2015 next successive dates 21.10.2015, 10.12.2015 & 1.2.2016 for ex-parte evidence were fixed but no evidence was adduced from the applicant side. On 1.2.2016 applicant side sought further time for filing ex-parte evidence hence, adjourning the case 25.2.2016 was fixed for ex-parte evidence.

6. On 1.2.2016 in later half of the day non-applicant again filed application for setting aside ex-parte order. On 25.2.2016 learned representative of the applicant appeared. None appeared on behalf of non-applicant. Affidavit of the applicant was filed as ex-parte evidence on behalf of applicant. Copy of the application of the non-applicant for setting aside the ex-parte order was given to applicant for filing objection & case was fixed for disposal on next date 27.4.2016. On 27.4.2016 again none appeared on behalf of non-applicant. Learned representative of applicant appeared & case was fixed on 13.7.2016 for ex-parte argument. On 13.7.2016 none appeared from both side hence, 28.7.2016 was fixed for disposal of application of the non-applicant for setting aside the ex-parte order. Due to continuous absence of non-applicant application for setting aside ex-parte order was rejected as not pressed on 28.7.2016 & case was fixed for ex-parte argument on 13.9.2016. 13.9.2016 was declared as holiday for Id-Ul-Juha hence, on 14.9.2016 next date 13.10.2016 was fixed for ex-parte argument. On 13.10.2016 & latter next successive dates 7.12.2016, 11.1.2017, 13.2.2017, 3.4.2017, 18.5.2017, 27.6.2017, 20.7.2017 & 3.8.2017 were fixed for ex-parte argument but none appeared on behalf of non-applicant.

7. Heard the argument of learned representative of applicant & perused the record carefully.

8. Beside affidavit in evidence applicant has filed two documents in form of photocopy which are alleged to be his appointment letter & record of attendance.

9. It has been argued by learned representative of the applicant that applicant was appointed as daily wage helper on 1.6.83 but during course of employment he fell ill on 17.4.84 due to mental illness & his treatment for such mental illness continued till 24.8.88. He has further argued that after end of illness on 23.4.88 he submitted medical & fitness certificate to Deputy Divisional Officer & he was taken back on duty & much later after 23.4.88, a letter dated 8.8.88 was sent to him wherein it was alleged that his medical certificate was not submitted in time hence, the same is not accepted. Later, applicant kept on visiting Deputy Divisional Officer but he kept on dragging the matter & applicant was not taken back on duty. It has been further argued that applicant has completed regularly more than 240 days from

1.6.83 to 19.7.88 but before retrenchment he was not given notice or wage in lieu of notice or retrenchment compensation. He has further alleged that seniority list was not prepared by non-applicant & at the time of his retrenchment juniors to the applicant were retained in the service & after his retrenchment fresh recruitment was also made by non-applicant hence, retrenchment is illegal & applicant is entitled to be reinstated in service with continuity of service & backwages.

10. As far as the question of appointment of the applicant is concerned it appears from perusal of photocopy of the appointment letter dated 18.12.83 that applicant was selected as daily wager to work with office of Deputy Divisional Officer, Tar, Kota & copy of this appointment letter was addressed to the applicant which contains eight conditions mentioned in the appointment letter. These eight conditions are the working condition of the applicant wherein condition no.2 is that he will be paid Rs.9/- per day & a maximum of Rs.243/- in a month. This condition indicates that applicant will be getting job to a maximum of 27 days in a month. Condition no.3 is to the effect that he will not be paid for weekly holiday & other holidays. The fourth condition is that there is no guarantee of regular employment or maturity in the service. The sixth condition is that if party incharge, Junior Engineer or the appointing authority Deputy Divisional Officer, Tar, is of the view that applicant is unsuitable he will be removed from service without notice. In the eighth condition of the appointment applicant has been directed to contact Sh. Ramdev, SIT at Chabra for Joining at work. Rest of the conditions being formal are not required to be mentioned.

11. The second document is record of working days for which applicant has worked. This record of working days is not in conformity with appointment letter because appointment letter has been issued on 18.12.83 & applicant has been asked to contact Sh. Ramdev, SIT for joining the duty whereas record of working days indicates that applicant has worked in the month of June, 83 for 25 days. As far as the question of applicant's working for 240 days immediately preceding the date of termination is concerned applicant has not made any specific mention in his statement of claim about date of termination. The affidavit of the applicant in evidence is mere repetition of statement of claim which does not find any support from documentary evidence. Applicant has himself alleged that he joined the service on 1.6.83 & fell ill on 17.4.84 & he remained ill & under treatment from 17.4.84 to 22.4.88 & joined duty with fitness on 23.4.88. According to this statement applicant has worked from 1.6.83 to 16.4.84 but this fact has not been supported by the record of working days filed by him. Record of working days indicate that he has started working in the month of June, 83 & has worked for 25 days in the month of June, 83. The record further indicates that starting from June, 83 applicant has worked till July, 84 in each month for certain number of days & thereafter he has worked in the month of May 88, June 88 & July 88. There is no contention against the document or about entries in the document relating to working days that this document is false. Thus, if we compare the statement of evidence in affidavit with document of working days it appears that contention of the applicant is false that he was ill w.e.f. 17.4.84 till 22.4.88. Further, there is no medical evidence on record to support the contention that he was ill & treated for mental illness & given a medical fitness to join the duty. There is also no evidence on record to show that applicant had given any information to his department about his illness. In above fact & circumstances, I am of the view that applicant has failed to prove the allegations of the statement of claim with reliable evidence.

12. As far as the question of continuous working by the applicant for a period of 240 days is concerned, according to contention of affidavit a letter dated 8.8.88 was received by applicant send by non-applicant wherein it was mentioned that his medical certificate has not been filed in time. If 8.8.88 is the date taken for reference for the period of 240 days it is evident from the record of working that applicant has not worked 240 days continuously from the date of reference dated 8.8.88 thus, I am of the view that applicant has failed to prove that there is breach of provision of section 25-F of I.D.Act, 1947. Further, it is important to note that applicant has not given fix date of termination of his services.

13. As far as the breach of provision of section 25-G & 25-H is concerned applicant has failed to mention any name of a workman who was junior to him & retained in service. He has further failed to mention any name in his affidavit who was appointed in department after his removal. Thus, I am of the view that applicant has failed to prove that provisions of section 25-G & 25-H have been violated in his removal from service.

14. It is further important to mention that according to contention of applicant his service has been discontinued vide letter dated 8.8.88 which has not been filed in evidence. It is pertinent to mention that there is nothing on record to support the fact that why the matter was taken up at belated stage by the applicant for conciliation.

15. From the perusal of the statement of claim & evidence adduced by the applicant in support & on the basis of above discussion I am of the view that applicant has failed to prove that action of the management of General Manager, Telecom, BSNL Jaipur in terminating the services of Shri Ramesh Chandra is illegal & unjustified. The workman is not entitled to any relief. The statement of claim of the applicant is dismissed accordingly.

16. Award as above.

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2527.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य प्रबंधक, बैंक ऑफ बड़ौदा, गुजरात और अन्य और उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 61/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 23rd October, 2017

S.O. 2527.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 61/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Manager, Bank of Baroda, Gujarat & others and their workman, which was received by the Central Government on 09.10.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : RAKESH KUMAR, Presiding Officer

I.D. No. 61/2012

BETWEEN :

Sri Amrendra Singh
S/o Sri Shiv Bahadur,
Village and PO Bhapta,
Distt. Sultanpur (U.P.)

Through Representative Mr. Ran Vijay Singh
H.No.E-4/799, Vinay Khand,
Gomti Nagar, Lucknow

AND

1. The Chief Manager
Bank of Baroda,
Head Office, Mandvi, Distt. Baroda
Gujrat,
2. Asstt. General Manager
Regional Office, Bank of Baroda
2nd Floor, B-23, Vibhuti Khand
Gomti Nagar, Lucknow
3. Branch Manager
Bank of Baroda,
Hanumanganj, Sultanpur

AWARD

1. The workman has filed petition directly under section 2A of the I.D. Act. 1947 (14 of 1947) against the Chief Manager, Bank of Baroda and others. In brief as per the claim statement W-1, the workman has submitted that he was appointed on 1.8.88 as class IV employee in the Satellite Branch, Hanumanganj, District Sultanpur of the Bank of Baroda which used to function only twice a week viz on every Monday and Friday, the said branch has started functioning as permanent regular branch since Dec.2010. The workman has stated that he was employed in the Satellite

Branch w.e.f. 1.8.88 to 29.11.2010 and the opposite party no.1 has issued circular in the year 1991 so as to regularize temporary employees and thereafter advertisement was published in various Newspapers. It has further been asserted that the workman has fulfilled all the requirement of the circular, he has worked for more than 90 days in every year, from the year 1988 to 1990, even then the management did not consider his application, and terminated his services on 3.12.2011, ignoring his previous continuous service of 22 years, whereas other employee Chhaviraji Devi working on daily wages has been regularized. The workman has submitted that he was being paid Rs.100/- per month and all his dues have been cleared till Nov.2010 but whimsical and illegal termination of his services is clear violation of Rules and Unfair Labour Practice has been adopted by the management, and his representation was not duly considered. Thereafter he moved writ petition no. 2242 (S/S)/2011 before Hon'ble High Court, Lucknow Bench Lucknow whereby direction was given on 25.4.11 to move the Labour Court. An application for conciliation was moved before ALC (C) Lucknow thereafter waiting for 45 days when nothing positive proceedings were initiated, permission was given to move the petition before this Tribunal. With the aforesaid pleadings request has been made to set aside the termination order dated 3.12.2010 and to ensure payment of salary and consequential benefits accordingly. An affidavit and documents have been annexed with claim statement.

2. The management has filed written statement alongwith affidavit M-8 wherein allegations leveled by the workman have been denied. The management has submitted that their exists no employee employer relationship between the petitioner and the bank, no appointment letter was issued to him, therefore the question of alleged termination of service w.e.f. 3.12.2010 does not arise, neither their exists any Industrial Dispute.

3. The opposite party has stressed that being nationalized bank all the directions and guidelines of the Central Government are being followed by the opposite party as well as directions issued by the Reserve Bank of India. The recruitment of Sub Staff in various branches and offices of the Bank is conducted as per approved recruitment policy so as to select eligible candidates after following due selection process. It has been further stressed that the Hanumanganj, Sultanpur branch was opened on 30.11.2010, there was no permanent branch of the bank earlier therefore no question of engagement of the claimant in the said branch since August 1988 arises, however for the benefits and convenience of the local people Satellite branch was in operation at Hanumanganj, Sultanpur for once or twice in a week for one to one and half hours and was managed by the available regular staff, for cleaning/sweeping etc. casual labour available on local basis was engaged on day to day cash payment basis for one hour engagement only and the petitioner was also one of such daily wages labourers. The opposite party has stated that no formal schedule has been framed, therefore the alleged dispute can not be adjudicated. The claim raised by the workman is misconceived and incorrect. With the aforesaid assertions request has been made by the opposite party to adjudicate the matter in its favour.

4. With strong denial of the grounds taken in the written statement rejoinder W-9 has been filed by the petitioner workman, reiterating pleas taken in the claim statement.

5. The workman has filed his own affidavit and affidavit of witness Sri Rajesh Bahadur Singh. The workman and his witness have been thoroughly cross examined on behalf of the management.

6. The management has filed affidavit M-15 of Sri Kalp Nath Yadav, he has been cross examined on behalf of the workman.

7. Later on as per application W-19 so called original certificate has been filed by the workman.

8. Arguments of both the parties has been heard at length and record has been scanned thoroughly.

9. Learned AR for the petitioner has emphasized that the workman was employed in the Satellite Branch of the bank and has worked w.e.f. 1.8.88 to 29.11.2010, but abruptly without assigning any reason ignoring his previous continuous service of about 22 years, his services were terminated by opposite party on 03.12.2010, whereas other employees working on daily wage have been regularized. While strongly refuting the allegations leveled by the workman, learned AR for the management has stressed that for the benefit and convenience of the local people, Satellite Branch of the Bank was in operation at Hanumanganj, District Sultanpur for once or twice in a week, and that only one to one and half hours. It was managed by the available regular staff and for cleaning and sweeping etc. casual labour available on local basis was engaged for one hour only on day to day cash payment basis, and the petitioner was also one of such daily wage labourers. It has also been asserted by the opposite party that being a Central Government Nationalized Bank all the directions and guidelines of the Govt.of India and Reserve Bank of India are being and have to be followed by the opposite party.

10. The management has referred the judgment dated 13.1.2012 in writ no. 21436/07, GM, State Bank of Bikaner vs Rajeev Sharma and others delivered by Hon'ble High Court, Allahabad. Learned AR for the workman submits that the aforesaid citation does not apply to the fact of the present case.

11. Section 2(s) of the I.D. Act reads as under;

“workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:-

- (I) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or**
- (II) who is employed in the police service or as an officer or other employee of a prison; or**
- (III) who is employed mainly in a managerial or administrative capacity; or**
- (IV) who, being employed in a supervisory capacity, draws wages exceeding (ten thousand rupees) per mensem or exercises either by the nature of the duties attached to the office by reason of the powers vested in him, functions mainly of a managerial nature.”**

12. The workman Amrendra Singh in his cross examination dated 4.4.2014 has admitted that the Satellite Branch used to function twice a week, from 11.00 AM to 12.40 PM, and he was paid through voucher, once a month. Further on 24.11.2014 the workman has stated that taking two working days in a week, he used to function on eight days in a month, meaning thereby for 96 days in a year, for the remaining days he used to live at his home. Further he has admitted that as per circular issued by the management, he did not move any application on the prescribed proforma, even after knowing that such circular had been issued. Another witness Sri R.B. Singh has stated that the Satellite branch used to function on Monday and Thursday, and he often went to his school alongwith his father, while visiting the school he sometimes saw Sri Amrendra Singh.

13. So called “working Certificate”, paper no. 1/32 has been denied by the management witness Sri Kalp Nath Yadav in his cross examination. He has specifically asserted that the said certificate has not been issued by the Bank. The so called original certificate dated 23.10.1991 paper No. W-19/2, photo copy of which was filed earlier, is not legally admissible. The management has denied having issued any such certificate. Moreover the workman has not duly proved it. In the light of the evidence available on record the petitioner is not infact covered under the definition of “Workman” as per the provision of the I.D. Act.

14. In (2006),13,SCC, Regional Manager, SBI vs Mahatma Mishra page 727, Hon’ble Supreme Court has observed that “unfair labour practice” is not to be readily inferred. Before any conclusion on that behalf is drawn, the condition precedent therefor must be specified. In the present case had the petitioner applied on the prescribed proforma in compliance of the aforesaid circular issued by the Bank and had he been deprived of his rights accrued, conditions would have been different, and the plea for regularization of the petitioner might have gained some legal weight.

15. After having heard the intellect arguments of both the parties at length and close scrutiny of the records available before the Court in the light of the prouncement of Hon’ble Supreme Court, it is inferred that the petitioner has failed to prove his case. Therefore he is not entitled to any relief.

Award as above.

LUCKNOW
22.09.2017

RAKESH KUMAR, Presiding Officer

CORRIGENDUM

New Delhi, the 23rd October, 2017

S.O. 2528.—In partial modification of this Ministry’s Notification No. L-16014/02/2017-IR (B-II) dated 26.09.2017 in Award I.D. No. 95/2014 of CGIT-cum-Labour Court No. 2, Mumbai, the file number be read as Z-16014/02/2014-IR (B-II) instead of file No. L-16014/02/2017-IR (B-II).

[No. Z-16014/02/2014-IR (B-II)]

RAVI KUMAR, Desk Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2529.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ सं. 13/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2017-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 23.10.2017.

[No. L-39025/01/2017-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

BHARAT PANDEY, Presiding Officer

I.D. No. 13/2016

Sh. Mahendra Kumar Sharma
 S/o Shri Raj Kumar Sharma
 R/o Shanti Devi, Beside Dewaliwali
 Surjeet School, Namak Katta,
 Bharatpur Town, Bharatpur.

V/s.

1. Regional Manager
 Bharatpur, Bank of Baroda,
 Kali Ki Bagichi, Near Singhal
 Nursing Home, Bharatpur, Raj.
2. Senior Manager
 Bharatpur, Bank of Baroda
 Brij Industrial State, Ricco Road,
 Near New Hospital, Bharatpur (Raj.)
3. Assistant General Manager
 Bank of Baroda, 4th Floor,
 Anand Bhawan, Sansar Chandra Marg,
 Jaipur.

Petition u/s 2(A) of Industrial Disputes Act, 1947 against illegal termination of service of workman Sh. Mahendra Kumar Sharma w.e.f. 10.9.2014.

AWARD

22.6.2017

1. Sh. Mahendra Kumar Sharma applicant filed application u/s 2-A of I.D.Act, 1947 against non-applicants for relief of reinstatement in the service with back wages & consequential benefits declaring order of removal from service dated 10.9.14 as unjust, illegal & void.
2. According to statement of claim applicant was appointed on 25.5.2012 on the post of cleaner/ sweeper under the control of non-applicant No.2. Beside the work of cleaner/ sweeper applicant was also performing the work of IV

grade employee namely 'Daftary'. In the morning between 8 to 10 a.m. applicant was doing the work of cleanliness, cleaning of door, table & chairs etc & after 10 a.m. he was assisting the job of opening the cash & taking it out. After performing above job he was doing the job of ' Daftary' as IV class employee for entire day. It has been further alleged that applicant requested the non-applicants for his regularisation on many occasions but his request was not considered. He was working for all the 30 days in a month & paid salary on monthly rate basis. At the time of his removal he was in receipt of monthly salary of Rs.7500/- . Applicant was receiving the pay for every month by signing the vouchers & all the vouchers are in possession & control of non-applicant.

3. It has been further alleged that on 10.9.2014 he was removed from the service without any reason. He was not given any show-cause notice or charge sheet. His services were terminated in unjust & illegal manner in violation of section 25-F & 25-H of I.D.Act, 1947, rule 77 & 78 of The Industrial Disputes (Central) Rules, 1957 & section 2.R.A. of I.D.Act, 1947. Applicant has alleged that immediately preceding the date of termination in 12 calendar month he has worked for more than 240 days & he has also worked for more than 240 days in each year but neither he was given retrenchment notice nor retrenchment compensation nor pay in lieu of notice.

4. In para 15 of the application, applicant has alleged that he presented his dispute about removal from service before Regional Labour Commissioner (Central), Kota on 29.4.2015 but reference has not been sent for adjudication till date of filing this application before the tribunal on 24.9.2015, hence, applicant according to rule after laps of 45 days has filed this application before this tribunal directly.

5. Application of the applicant was taken on record & he was directed to file conciliation failure report which had not been filed till 14.3.16. On 14.3.16 application was registered & notices were sent to opposite party fixing 2.5.16 for filing reply to statement of claim by non-applicant. Applicant was further directed to file failure report till 2.5.16. After 2.5.16 next successive dates 25.7.16, 19.10.16, 8.12.16, 16.1.17, 6.2.17, 8.3.17, 20.4.17 & 20.6.17 were fixed for filing conciliation failure report & reply to statement of claim. On 14.3.16 authority of representation was filed on behalf of non-applicant. Neither failure report nor reply to statement of claim was filed from both the side till 20.6.17.

6. On 2.5.16 none appeared from both the side. Case was adjourned by the tribunal suo-moto in interest of justice fixing 25.7.16 for failure report & reply to statement of claim. In the later part of the day after order learned representative for non-applicant appeared who was made aware of the proceeding dated 2.5.16.

7. On 25.7.16 none appeared on behalf of applicant. Learned representative of non-applicant was present who sought time for filing reply. 19.10.16 was next date fixed for filing failure report & reply to statement of claim. After order learned representative of applicant appeared who was made aware about the proceeding for 25.7.16.

8. On 19.10.16 none appeared on behalf of both the parties. Case was again adjourned in the interest of justice by the tribunal suo-moto with observation that despite order of the tribunal dated 2.5.16 applicant has not filed conciliation failure report. Reply to statement of claim was also not filed. 8.12.16 next date was fixed. After order learned representative of non-applicant appeared who was made aware with the order dated 19.10.16.

9. On 8.12.16 learned representative of non-applicant appeared, none appeared on behalf of applicant. It was observed that applicant is continuously remaining absent & not filing conciliation failure report which indicates that applicant is not interested in continuing the case further. However, the case was again adjourned fixing 16.1.17 for filing failure report by applicant & reply to the statement of claim by non-applicant. On 16.1.17 learned representative of both the parties appeared. Presiding Officer was on leave. Neither conciliation failure report nor reply to claim was filed. Next date 8.2.2017 was fixed for filing reply & conciliation failure report. On 8.2.2017 learned representative of both the parties appeared. Neither conciliation failure report nor reply to statement of claim was filed. Case was again adjourned by tribunal in the interest of justice fixing 8.3.2017 for filing of reply & failure report.

10. On 8.3.2017 neither applicant appeared nor statement of claim was filed. Learned representative of non-applicant was present but reply to statement of claim was not filed. Adjourning the case next date 20.4.2017 was fixed for filing statement of claim & conciliation failure report. On 20.4.2017 none appeared on behalf of both parties. Again case was adjourned by the tribunal suo-moto fixing 20.6.2017 for filing conciliation failure report & reply to statement of claim.

11. On 20.6.2017 none appeared on behalf of applicant nor conciliation failure report was filed. Learned representative of non-applicant appeared but reply to statement of claim was not filed. It was argued by learned representative of non-applicant that since long applicant is remaining absent & has not been taking step for further proceeding in the case whereas non-applicant has been in appearance in majority of the dates. Looking into the above fact & circumstances, further proceeding in the case was closed due to failure of applicant in taking step for further advancement of the case & case was reserved for award. It is pertinent to mention that above mentioned proceeding of the case is self reflecting that applicant has not been taking interest in further proceeding of the case. It further appears that applicant is not interested & willing in submitting failure report & taking step for further advancement of the case.

In the event of failure of the applicant to take part in proceeding for further advancement of the case & bringing material evidence on record the tribunal is unable to record the finding on merit on the issues involved in the case of the applicant. It is important to mention that applicant has filed only two papers on record which have been submitted before the Assistant Labour Commissioner (Central)/Conciliation Officer, Kota consisting of one application dated 29.4.15 to initiate conciliation proceeding & another undated application for stopping the further proceeding of the case to facilitate the applicant to file an application u/s 2-A of I.D.Act, 1947. Both the applications have been sent by post & have been received on 29.4.15 & 5 Aug, 2015 respectively. In above fact & circumstances I am of the view that application of the applicant deserves to be dismissed for not taking further step for advancement of the case. Application of the applicant u/s 2-A of the I.D.Act, 1947 is dismissed accordingly.

12. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वी. एस. एजुकेशन कंसल्टेन्सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 05/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/76/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of M/s. V.S. Education Consultancy and their workmen, received by the Central Government on 23.10.2017.

[No. L-12012/76/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 2, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 05/2017

Shri Manish Sharma, S/o Shri Choke Lal,
C/o General Mazdoor Union (Regd.
T-143, Karampura,
New Delhi

...Workman

Versus

1. The Authorised Signatory,
M/s V.S. Education Consultancy,
184 Trikona Park, Maharani Bagh,
New Delhi -110014.
2. The Canara Bank,
B-39, IIInd Floor,
Cannaught Place, Middle Circle,
Near PVR Plaza,
New Delhi-110001

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-12012/76/2016(IR(B-II)) dated 03.03.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the action of the immediate employer M/s. V.S. Consultancy, New Delhi in the establishment of Canara Bank, B-39, Cannaught Palace, New Delhi in terminating the services of Shri Manish Sharma, S/o Shri Choke Lal w.e.f 25.01.2016 is legal and justified. What relief the workman is entitled to and from which date?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file his claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 11, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2531.—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वी. एस. एजुकेशन कंसल्टेन्सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार आौद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 8/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/75/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of M/s. V.S. Education Consultancy and their workmen, received by the Central Government on 23.10.2017.

[No. L-12012/75/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 2, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 8/2017

C/o General Mazdoor Union (Regd.)
Rep. through its General Secretary,
T-143, Karampura,
New Delhi-110045

...Workman

Versus

1. The Authorised Signatory,
M/s V.S. Education Consultancy,
184 Trikona Park, Maharani Bagh,
New Delhi -110014.

2. The Canara Bank,
B-39, IIInd Floor,
Cannaught Place, Middle Circle,
Near PVR Plaza,
New Delhi-110001

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-12012/75/2016(IR(B-II)) dated 06.03.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the following demands of the trade union named General Mazdoor Union (Regd.) against the management of M/s. V.S. Education Consultancy and (2) Canara Bank, B-39, 2nd floor, Cannaught Place, Middle Circle, Near P.V.R Plaza, New Delhi are justified and the workman employed by contractor 5 M/s. V.S. Education Consultancy, Maharani Bagh, New Delhi and Canara Bank, B-39, 2nd floor, Cannaught Place Middle Circle, New Delhi are entitled for said benefits. If not, then what relief the said union and workmen employed with above said employers are entitled to ?” (1) The demands to provide over time @ double to workmen (2) The demand to provide ESI and EPF to all workmen (3) The demands to provide minimum wages to all the workmen (4) The demands to issue appointment letter to all the workmen from back date (5) The demands to provide bonus @ 20% of salary to workmen.”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute.

3. On receipt of the above reference, notice was sent to the claimant union as well as the managements. Neither the postal article sent to the claimant union referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant union. Despite service of the notice, claimant union opted to abstain away from the proceedings. No claim statement was filed on behalf of them. Thus, it is clear that the workman union is not interested in adjudication of the reference on merits.

4. Since the workman union has neither put in their appearance nor have they led any evidence so as to prove their cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 11, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वी. एस. एजुकेशन कंसल्टेन्सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 9/2017) को प्रकाशित करती है जो केन्द्रीय सरकार के 23.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/74/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of M/s. V.S. Education Consultancy and their workmen, received by the Central Government on 23.10.2017.

[No. L-12012/74/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO. 2, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 9/2017

Shri Gaurav Kumar S/o Late Shri Dev Raj,
C/o General Mazdoor Union (Regd.)
T-143, Karampura,
New Delhi

...Workman

Versus

1. The Authorised Signatory,
M/s. V.S. Education Consultancy,
184 Trikona Park, Maharani Bagh,
New Delhi -110014.
2. The Canara Bank,
B-39, IIInd Floor,
Cannaught Place, Middle Circle,
Near PVR Plaza,
New Delhi-110001

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-12012/74/2016-IR(B-II) dated 06.03.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the action of the immediate employer M/s V.S. Education Consultancy, New Delhi in the establishment of Canara Bank, B-39, Cannaught Place, New Delhi in terminating the services of Shri Gourav Kumar S/o Late Dev Raj w.e.f. 11.02.2016 is legal and justified. If not, What relief the workman is entitled to and from which date?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file his claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workmen has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 11, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2533.—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वी. एस. एजुकेशन कंसल्टेन्सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार आौद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 86/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/77/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of M/s. V.S. Education Consultancy and their workmen, received by the Central Government on 23.10.2017.

[No. L-12012/77/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO. 2, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 86/2016

Shri Mohd. Naushad S/o Shri Leyakat Hussain,
C/o General Mazdoor Union (Regd.)
T-143, Karampura,
New Delhi

...Workman

Versus

1. The Authorised Signatory,
M/s V.S. Education Consultancy,
184 Trikona Park, Maharani Bagh,
New Delhi -110014.
2. The Canara Bank,
B-39, IIInd Floor,
Cannaught Place, Middle Circle,
Near PVR Plaza,
New Delhi-110001

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-12012/77/2016-IR(B-II) dated 17.11.2016 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the workman is entitled for reinstatement with all benefits? If not then what other relief the workman is entitled to?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 11, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2534.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स वी. एस. एजुकेशन कंसल्टेन्सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 89/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को

23.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/78/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of M/s. V.S. Education Consultancy and their workmen, received by the Central Government on 23.10.2017.

[No. L-12012/78/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO. 2, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 89/2016

Shri Ankit S/o Late Shri Bhagwan Singh,
C/o General Mazdoor Union (Regd.)
T-143, Karampura,
New Delhi

...Workman

Versus

1. The Authorised Signatory,
M/s V.S. Education Consultancy,
184 Trikona Park, Maharani Bagh,
New Delhi -110014.
2. The Canara Bank,
B-39, 2nd Floor,
Cannought Place, Middle Circle,
Near PVR Plaza,
New Delhi-110001

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-12012/78/2016-IR(B-II) dated 06.12.2016 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the workman Shri Ankit, Data Entry Operator is entitled for reinstatement with all benefits? If not, then what other relief the workman is entitled to?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the

proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 11, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2017

का.आ. 2535.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैन्दूल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ सं. 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.10.2017 को प्राप्त हुआ था।

[सं. एल-12011/62/2006-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 23rd October, 2017

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 23.10.2017.

[No. L-12011/62/2006-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : RAKESH KUMAR, Presiding Officer

I.D. No. 25/2006

Ref.No. L-12011/62/2006-IR(B-II) dated 15.09.2006

BETWEEN :

The General Secretary
Central Bank Staff Association,
13/11, Shiv Nagar Colony, Allahabad
Allahabad

AND

1. The Regional Manager,
Central Bank of India, Regional Office, Laka
Varanasi (U.P.)-221001

AWARD

1. By order No. L-120121/62/2006-IR(B-II) dated 15.09.2006 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Central Bank Staff Association, Allahabad and the Regional Manager, Central Bank of India, Regional Office, Varanasi for adjudication.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF CENTRAL BANK OF INDIA IN IMPOSING THE PUNISHMENT OF REDUCTION TO LOWER STAGE IN THE TIME SCALE OF PAY BY TWO STAGES ON SH. RAJMANI MISHRA, CLERK VIDE ORDER DATED 14.5.2004 AND VIDE APPELLETTE AUTHORITY’S ORDER DATED 10.11.2004 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF IS THE CONCERNED WORKMAN ENTITLED TO?”

3. As per claim statement A1-3 the petitioner has stated in brief that he has been active member of the union, so he was subject to harassment and victimization on the part of the management authorities, he was suspended vide memo dated 10.09.2002, which was revoked vide order dated 16.09.2003, he was illegally and arbitrarily kept under suspension without any reason and was paid suspension allowance. Illegal charge sheet dated 30.01.2003 was served upon him, earlier Sri O.P. Singh was appointed as enquiry officer but the opposite party further appointed Sri V.S. Chaubey in his place, Sri James Xavier was appointed as enquiry officer, enquiry was partly conducted, he was replaced by Sri Rakesh Tewari and lastly Sri V.S.Chaubey was appointed as enquiry officer to enquire the charges. These changes were made because earlier enquiry officers were not suited to the management. The enquiry officer was in very haste and predetermined, without closing the management evidence the workman was asked to produce his witness or to cross examine of MW-1.

4. The petitioner has asserted that security arrangements are the joint responsibility of the Branch Manager and/or other authorities. During enquiry the petitioner demanded 11 documents on 27.08.2003, document at sl.no.1 was never provided document sl.no.7 & 9 were claimed as privileged documents and that at sl.no.10 was treated as irrelevant. Primary investigation report was not provided. The version of the defence representative was overruled by enquiry officer without any reason avoiding the principle of natural justice. The enquiry officer stated that only those documents were provided to the defence which were used against him either for preparation of charge sheet or during enquiry proceedings, it was misconception of law, non providing of documents is clear denial of the reasonable opportunity to defence. The management has leveled the charge that the sum of Rs.7.00 lakhs was taken away by the miscreants due to lack of security as such, these documents were not privileged documents, map of bank premises was also not provided. It has been asserted by the petitioner that he was Head Cashier, he accompanied Sri G.K. Srivastava, Dy. Manager while opening and closing the strong room and thus they were having joint responsibility of security system and its short coming as well. The management witness has admitted during the enquiry that the Branch Manager was duty bound to rectify the defects in the security system. Documents mentioned at serial number 7,9 and 11 were not provided, neither any decision was taken. The question relating to the measure to rectify the cash security system was asked to the management witness in order to avoid the repetition of incidence of 2.8.2002, but this fact was not mentioned by the enquiry officer, no armed guard was posted in the Branch in the period w.e.f. 1.1.2002 to 20.5.2003, enquiry officer did not consider the lapse on the part of the bank authorities. On the date of incident, 2 officers, 5 clerks and 1 peon was present in the Bank hall, officiating head cashier(petitioner), 2 cashier and 1 peon were present in the cash section but the opposite party did not produce these relevant material witnesses, only evidence of the Branch Manager was produced but he was non material witness. After the incident, lot of changes were made in the security system, short comings was there earlier, the defence demanded the current pass book on which record of sorting of notes was being made but this was denied without any reason. The statements of defence witnesses were not considered by the enquiry officer, without waiting for the written arguments as per the request of the petitioner, enquiry report dated 14.2.2004 was submitted. There was no locking hooks in the carry cash box. It was brought to the notice of the enquiry officer that no lock was available for carrying cash cabin, and in fact MW-1 never checked the position of the cash box etc. The representation dated 15.3.2004 was also not considered by the disciplinary authority and without application of mind punishment was imposed of lowering down to lower stage in the time scale by two stages. Appeal filed by the petitioner was also rejected without recording any reason. Balance salary for the period of suspension was not paid to the petitioner, it was clearly an arbitrary and illegal order. With the aforesaid pleadings request has been made by the petitioner workman to set aside the impugned order dated 14.5.2004, another administrative order dated 2.9.2005 and the appellate order dated 10.11.2004

5. As per the list C-6 several documents have been annexed by the petitioner.

6. As per the written statement M-24/3, while denying the allegations leveled by the workman, the opposite party has stated in brief that the petitioner was working as officiating Head Cashier at Zero Road, Allahabad on 2.8.2002 and he had committed serious omission & commissions. Due care was not taken by the petitioner in transmitting the cash to cash cabin in a locked box. Earlier also the cash was transmitted in the box having no locking hooks. The cash cabin was not tied with chains. He has taken out the cash and placed it on the counter, and kept the bundles of Rs.10/- denomination on the floor besides the Cash box. Rs.50/- and Rs.100/- were lying in the same box which was not having locking hooks. The petitioner has allowed high quantum of cash to remain in the unlocked cash box exposing its security and bank interest. The opposite party has asserted that the workman has kept “In and Out register” in cash cabin while it should be kept in strong room with safe. Record of quantum and denomination which he used to pass on

to the sorting cashier was not maintained by him. He has not taken ordinary prudence to keep the required vigilance and alertness which resulted in loss of Rs.7 lakhs in cash from his custody on 2.8.2002, he has thereby committed gross misconduct in terms of Bipartite Settlement dated 19.10.77, therefore memo was issued and written explanation was sought and departmental enquiry was initiated and charge sheet was issued since some officers were transferred to other place so the enquiry officer was changed from time to time. Defence representative was appointed by the petitioner. Enquiry was conducted as per settled norms and as per principle of natural justice, reasonable and full opportunity was provided to the employee to prove his innocence. The petitioner has participated in the domestic enquiry proceedings along with his defence representative, few documents were submitted by him before enquiry officer and he was permitted to cross-examine by the management witness. After conclusion of enquiry proceeding show case memo was issued by disciplinary authority regarding punishment. Taking into account gravity of the charges leveled against the petitioner and charges which have been proved properly, penalty of "Bringing him down to lower state in the time scale by 2 stages" was imposed. Appeal was also preferred which was duly disposed off. All the relevant papers were provided to the petitioner and unnecessary documents and classified documents were not given.

7. The opposite party has further asserted that the workman did not challenge, neither he disprove the authenticity/genuineness of the documents during the course of enquiry, therefore the documents produced by the management were treated as genuine. The opposite party has also submitted that if this Tribunal comes to the conclusion that the principle of natural justice was not followed and the reasonable opportunity for defence was not afforded to the petitioner then in that case, the management of Central Bank would like to prove the charges against the petitioner. The present claim has been highly belated and overstay. With the aforesaid averments, prayer has been made by the management to adjudicate the matter against the petitioner workman.

8. With strong denial of the main facts mentioned in the written statement, rejoinder A-27 has been filed by the workman, reiterating the pleas taken in the claim statement.

9. The management has filed certain documents as per list C-28.

10. The workman has adduced his evidence in the form of affidavit A-34. He has been cross-examined on behalf of the management.

11. The management submitted the affidavit A-35 of Sri V.S. Chaubey, ARM of the bank, he has been thoroughly cross examined on behalf of the workman.

12. Preliminary issue was framed by the then Presiding Officer/Hon'ble Judge on 12.12.2013. This issue has been decided vide order dated 3.6.2015 passed by me, against the management. Opportunity was provided to the management to adduce evidence against the workman before this Tribunal. Thereafter the management filed affidavit M-5 of Sri K.S.Wadia, Chief Manager of the Bank, he was thoroughly cross-examined on behalf of the workman.

13. Arguments of both the parties have been heard at length and record has been scanned thoroughly.

14. As pointed out hereinabove, preliminary issue regarding fairness of the enquiry, has been decided against the management vide order dated 3.6.2015 passed by this Tribunal. Thereafter the management, on being provided opportunity, filed the affidavit A-34 of Sri K.S. Wadia in its evidence; he was cross-examined on behalf of the workman. It might be quite pertinent to mention here that the workman Sri Rajmani Mishra, has in para 10 to para 15 of his affidavit has specifically alleged that the mentioned documents were requested by him during the domestic enquiry. Learned AR for the management did not cross-examine the workman on these points. Further in para 18 and 19, the security arrangement at the bank and non-posting of the Armed Guard, has been stated on oath by the workman, again he has not been cross-examined on these paras. In para 20 of the affidavit A-34, the workman has asserted that on the alleged date of incident 2 bank officers, 5 clerks and one peon were present in the banking hall. But the management has not chosen to produce these relevant and material witness and only Branch Manager was produced who was sitting in his Cabin. On this point. The management refrained to elaborate the facts in cross-examination. On the other hand the management witness Sri V.S. Chobey has also been cross-examined quite comprehensively, on behalf of the workman.

15. Dti K.S. Wadia in his cross-examination dated 17.08.2016, has stated in para 2 that he did not enquire the incident after the occurrence, the enquiry conducted by the senior officers has not been brought to the notice of this Court. In para 7 he has stated that the security arrangement of the branch is joint responsibility, and the management is to be looked after by the Branch Manager. Regarding lock etc. he has been cross-examined in para 9 of his statement. In last para of his cross-examination of Sri K.S. Wadia has asserted that after the incident security guard was posted in the branch.

16. After having heard the intellect arguments of both the parties at length and perusal of the record available before the Court, it is inferred neither the domestic enquiry was fair, nor the alleged punishment imposed on the workman was just and proper. Lowering the pay of the workman by two lower stages, vide order dated 14.05.2004, can not be

adjudged as legal and justified. The workman is entitled to get the genuine pay scale, as per rules, treating that the impugned punishment order dated 14.05.2004 does not exist. Arrears shall be paid to him within ten weeks from the date of notification of the award, failing which the management shall pay interest @ 6% per annum.

17. Award as above.

LUCKNOW
08.09.2017

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 15/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of September, 2017

M.P. No. 15/2014

Between :

Sri V. Lakshminarayana,

S/o Late Dhana Raju,

D.No.MIG 2A, 103,

VUDA Colony, Vinayak Nagar,

Peda Gantyada,

Visakhapatnam

...Petitioner

AND

The Chief Material Manager,

Visakhapatnam Port Trust,

Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri V. Lakshminarayana, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. **The contentions of the Petitioner in brief are as follows:-**

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. **The Point that arise for determination:-**

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as W.K., M.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WW1: Sri V. Lakshminarayana

NIL

Documents marked for the Petitioner/Workman

Ex.W1 : Photostat copy of retirement order

Ex.W2 : Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91

Ex.W3 : Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2537.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 13/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of September, 2017

M.P. No. 13/2014

Between :

Sri S. Jagdeeswara Rao,
S/o Late Ranga Rao,
Flat No. 370, Sri Seetharama Nilayam,
Vislakshinagar,
Visakhapatnam ...Petitioner

AND

The Chief Material Manager,
Visakhapatnam Port Trust,
Visakhapatnam ...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate
For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri S. Jagdeeswara Rao, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 30.6.2000. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 30.6.2000 as W.K., M.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme.", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WW1: Sri S. Jagdeeswara Rao

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 1/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 24.10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated : the 14th day of September, 2017**M.P. No. 1/2012****Between :**

Sri B. V. Chandra Bob,
 S/o Late John,
 D.No. 1-104-16,
 MVP Colony,
 Visakhapatnam

...Petitioner

AND

The Traffic Manager,
 Visakhapatnam Port Trust,
 Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri B. V. Chandra Bob, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.5.2004. The Respondent had paid all the retirement benefits except the three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement pension order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.5.2004 as Head Assistant in T.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 14th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: B.V. Chandra Bob,

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement pension order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2539.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 12/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of September, 2017

M.P. No. 12/2014

Between :

Sri V. Devaratnam,
S/o Late Basavaiah,
MIG 2A, 80, VUDA Colony,
Vinayak Nagar,
Peda Gantyada,
Visakhapatnam

...Petitioner

AND

The Chief Material Manager,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri V. Devaratnam, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. **The contentions of the Petitioner in brief are as follows:-**

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. **The Point that arise for determination:-**

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as S.S.K., M.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, " to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri V. Devaratnam

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1 : Photostat copy of retirement order

Ex.W2 : Photostat copy of Visakhapatnam Port Trust Board resolution dt. 30.10.91

Ex.W3 : Photostat copy of circular issued by the Respondent dt. 11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2540.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 11/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated : the 12th day of September, 2017**M.P. No. 11/2014****Between :**

Sri A. Veeraraju,
S/o Late Gurumurty,
Plot No. 355, D.No. 10-176-5/1/1,
II Floor, Visalakshi Nagar,
Visakhapatnam

...Petitioner

AND

The Chief Material Manager,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri A. Veeraraju, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 2.4.2004. The Respondent had paid all the retirement benefits except the three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 2.4.2004 as Ward Keeper, M.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, " to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WW1: Sri A. Veeraraju

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2541.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 10/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated : the 12th day of September, 2017**M.P. No. 10/2014****Between :**

Sri M. Vasudeva Rao,
S/o Late Ramulu,
D.No. 49-53-18/1/1,
Balayyasrastry Layout,
Visakhapatnam-13

...Petitioner

AND

The Chief Material Manager,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri M. Vasudeva Rao, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. **The contentions of the Petitioner in brief are as follows:-**

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except the three months notice pay/ Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. **The Point that arise for determination:-**

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as DSK in M.M. Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, “ to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..”, Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri M. Vasudeva Rao

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 8/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2014) of the Central Government Industrial Tribunal-cum-Labour

Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of September, 2017

M.P. No. 8/2014

Between :

Sri B. Bhaskara Rao,
S/o Late Satyanarayana,
D.No. 4-88-2/1, Yendada,
Rajeev Nagar, Rishikonda,
Visakhapatnam

...Petitioner

AND

The Chief Manager,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri B. Bhaskara Rao, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.1.2001. The Respondent had paid all the retirement benefits except the three months notice pay/ Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement pension order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.1.2001 as Kh[sh].., in CE Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner

coupled with Ex.W3, the circular of the Respondent, “ to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..”, Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 12th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: B. Bhaskara Rao

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement pension order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 19/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 22nd day of August, 2017

M.P. No. 19/2012

Between :

Sri K. Kasi Viswanadha Rao,
D.No. 37-10-154, Ayyappa Nagar,
Muralinagar,
Visakhapatnam

...Petitioner

AND

The Chief Medical Engineer,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. B. Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri K Kasi Viswanadha Rao, Ex. Sanitary Inspector, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 30 years and retired from service under Voluntary Retirement Scheme on 31.12.2000. While serving in the Respondent's organization, he was deputed to Yanbu in Saudi Arabia through Dredging Corporation of India for two years on contract basis and he was relieved from service with effect from 20.8.1981. It is submitted that the Petitioner is entitled to leave salary at the rate of one day for every twelve days of service at Yanbu and after completion of deputation period, he requested the concerned authority to credit the same to his leave account. But it was in vain. He further submitted that his colleagues, by name, Sir B. Krishna Rao, and B. Dhrama Raju, got the benefit of 60 days leave salary. Hence, this petition is filed to direct the Respondent to pay 60 days leave salary as agreed upon with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W6.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W6 is the Photostat copy of pension payment order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 13.5.1993 as Sr. S.I., under voluntary retirement scheme. Ex.W2 is the copy of the order of deputation. Ex.W3 is the copy of the letter of clarification given by DCI regarding leave salary. Ex.W4 is the copy of representation. Ex.W5 is the copy of legal notice and Ex.W6 is the copy of reply notice. As can be seen from Ex.W3 it is clear that those who were deputed to work at Yanbu for two years, are entitled to leave salary at the rate of one day for every twelve days of service at Yanbu. The evidence of WW1 finds support from Ex.W1 to Ex.W6.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the letter of clarification given by Dredging Corporation of India regarding leave salary, the Petitioner is entitled to get 60 days of leave salary. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay 60 days leave salary to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 22nd day of August, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: K. Kasi Viswanadha Rao

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of pension payment order
Ex.W2	:	Photostat copy of Deputation order
Ex.W3	:	Photostat copy of clarification given by DCI
Ex.W4	:	Photostat copy of representation
Ex.W5	:	Photostat copy of legal notice
Ex.W6	:	photostat copy of reply notice

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 22/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 14th day of September, 2017

M.P. No. 22/2012

Between :

Sri M. Atchuta Rao,
Plot No. 2A, Gayatri Nagar,
P.M. Palem,
Visakhapatnam

...Petitioner

AND

The Manager (OP),
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate
 For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri M. Atchuta Rao, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except the three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement pension order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as Head Assistant in Manager (OP) Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, " to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 14th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri M. Atchuta Rao

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1 : Photostat copy of retirement order
 Ex.W2 : Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
 Ex.W3 : Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 7/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 24.10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated : the 13th day of September, 2017**M.P. No. 7/2011****Between :**

Sri Venkata Krishnan. Rajagopalan
 S/o Late Venkatakrishnan,
 D.No.45-38-58, Jagannadhapuram,
 Akkayyapalem,
 Visakhapatnam

...Petitioner

AND

The Director, R & P,
 Visakhapatnam Port Trust,
 Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate
 For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri Venkata Krishnan. Rajagopalan against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. **The contentions of the Petitioner in brief are as follows:-**

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. **The Point that arise for determination:-**

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as Head Asst. R & P Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme..", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 13th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WW1: Venkata Krishnan. Rajagopalan

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2546.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक

अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 08/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.10.2017 को प्राप्त हुआ था।

[सं. एल-38011/03/2015-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 08/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of Paradip Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-38011/03/2015-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 08/2016

Date of Passing Award – 11th September, 2017

No. L-38011/03/2015-IR (B-II) dated : 5/13.01.2016

Between:

The Traffic Manager,
Traffic Department,
Paradip Port Trust, Paradip,
Dist. Jagatsinghpur, Odisha ...1st Party-Management

(And)

The General Secretary,
Paradip Port Workers' Union, Badapadia,
Paradip Port, Dist. Jagatsinghpur, Odisha ...2nd Party-Union

Appearances :

None ... For the 1st Party-Management.
None ... For the 2nd Party-Union

ORDER

None appears on behalf of the Union on repeated calls. It is seen from the record that the case is lingering for the last two years without any steps on behalf of the Union to file its statement of claim and neither the Union nor the workman appeared for the last several adjournments. In the above back drop, it may be presumed that either the dispute has been resolved amicably or the parties are not interested to pursue the same. Hence the Tribunal has no alternative than returning the reference without any adjudication for non-appearance of the workman/Union and non-filing of the statement of claim despite the reference being made in January, 2016 and the case having afforded fifteen adjournments.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 1247.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 33/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of September, 2017

M.P. No. 33/2011

Between :

Sri M. Surya Rao,
S/o Late Appalanaidu,
D.No. 35-36-23,
Gavarakancharapalem,
Visakhapatnam

...Petitioner

AND

The Chief Mechanical Engineer,
Visakhapatnam Port Trust,
Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate

For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Sri M. Surya Rao, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 35 years and retired from service under Voluntary Retirement Scheme on 28.2.2001. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established his claim by filing his examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. **Point:-** The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 28.2.2001 as Fitter Gr.II, OHC, CME Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme.", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 13th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri M. Surya Rao

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner/Workman

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अक्टूबर, 2017

का.आ. 2548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 34/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24. 10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th October, 2017

S.O. 2548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 24.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of September, 2017

M.P. No. 34/2011

Between :

Smt. Ch. Savitri,
 D.No. 16-59/A,
 Bank of India Colony,
 Prahladapuram,
 Visakhapatnam

...Petitioner

AND

The Director, R & P,
 Visakhapatnam Port Trust,
 Visakhapatnam

...Respondent

Appearances :

For the Petitioner : Sri M. Babji Rao, Advocate
 For the Respondent : None

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 is filed by petitioner Smt.Ch. Savitri, against the respondent, Visakhapatnam Port Trust, seeking for payment of three months notice pay together with interest at 24% per annum as agreed by the Respondent management.

2. The contentions of the Petitioner in brief are as follows:-

The Petitioner has served under the Respondent's organization for more than 25 years and retired from service under Voluntary Retirement Scheme on 31.3.2001. The Respondent had paid all the retirement benefits except three months notice pay. Hence, this petition is filed to direct the Respondent to pay three months notice pay with 24% interest and such other reliefs.

3. Having received the notice of this petition the Respondent remained absent and was set ex-parte. Petitioner established her claim by filing her examination in chief affidavit proved some documents which have been marked as Ex.W1 to W3.

4. Heard the Petitioner.

5. The Point that arise for determination:-

Whether the Petitioner is entitled for the relief sought for?

6. Point:- The workman is examined as WW1 and proved Ex.W1 to Ex.W3. Ex.W1 is the Photostat copy of retirement order of the Petitioner which establishes that the Petitioner has retired from service w.e.f. 31.3.2001 as Sr.Assistant, R & P Department under voluntary retirement scheme. Ex.W2 is the Photostat copy of the Visakhapatnam Port Trust Board Resolution dated 30.10.1991. Ex.W3 is the photostat copy of the circular issued by the Respondent dated 11.3.1999. The evidence of WW1 finds support from Ex.W1 to Ex.W3.

7. The above discussed documents and the evidence of the Petitioner as WW1 substantiates the contentions of the Petitioner. The Respondents remained absent on the date of hearing and failed to adduce any rebuttal evidence and as such the evidence of the workman remained unchallenged. Considering the unchallenged testimony of the Petitioner coupled with Ex.W3, the circular of the Respondent, "to pay three months notice pay wherever necessary in the case of all the employees who retired under Voluntary Retirement Scheme.", Petitioner is entitled to get three months notice pay. Since, he has been denied the said payment inspite of his requests, he is entitled for reasonable interest also.

This point is answered accordingly.

Result:

In the result, petition is allowed. Respondent shall pay three months notice pay to the Petitioner together with interest @ 6% p.a. from the date of filing of this petition till the date of realization. The said amount shall be paid by the Respondent to the Petitioner within one month from the date of this order.

Ordered accordingly.

Typed to my dictation by Personal Assistant, transcribed by her corrected and pronounced by me on this the 13th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondents

WW1: Smt. Ch. Savitri

NIL

Documents marked for the Petitioner

Ex.W1	:	Photostat copy of retirement order
Ex.W2	:	Photostat copy of Visakhapatnam Port Trust Board resolution dt.30.10.91
Ex.W3	:	Photostat copy of circular issued by the Respondent dt.11.3.99

Documents marked for the Respondent

NIL